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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker.

PRAYER

The Chaplain, Father Patrick J. Conroy, offered the following prayer:

Almighty God of the universe, we give You thanks for giving us another day. We thank You that You give us a share in Your creative work, having endowed each with unique and important talents.

On this day we ask Your blessing on the men and women of the people's House, who have been entrusted with the care of this great Nation's people and, because of the great blessings You have bestowed on our Nation, the opportunity to build a better world beyond our borders as well.

Please teach each Member to be generous with the gifts You have given and the opportunities with which they have been presented. May they give and not count the cost; fight for the greater good and not count the wounds; toil in their efforts and not seek to rest; labor and not ask for reward, other than to know that they are doing Your will.

May all that they do this day be for Your greater honor and glory. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Kansas (Ms. JENKINS) come forward and lead the House in the Pledge of Allegiance.

Ms. JENKINS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

HONORING LOCAL HERO ABBY BERANEK FOR FIRE SAFETY PREPAREDNESS

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute.)

Mrs. BIGGERT. Mr. Speaker, I rise today to congratulate a local hero from my home district. At just 7 years old, Abby Beranek of Lemont, Illinois, demonstrated quick thinking and courage when a fire broke out in her home, utilizing the fire safety skills she learned as a Girl Scout to keep her family safe.

When she realized her home was on fire, first-grader Abby Beranek remained calm and immediately put in action the lessons she learned when her troop visited the Lemont fire station. Because of Abby's courage and quick thinking, she was able to help her mom and keep her 18-month-old brothers and 3-month-old sister safe.

I also want to commend the Lemont Fire Protection District, especially Jeff Hawthorne and Chief Carl Churulo, for offering lifesaving educational safety courses for our children. Their hard work and willingness to reach out to the community has clearly made a difference and saved lives.

Mr. Speaker, I urge my colleagues to join me in recognizing a local hero, Abby Beranek of Lemont, Illinois, who has made her community and her family very proud.

JUST THE FACTS: REPUBLICANS WANT TO END MEDICARE AS WE KNOW IT

(Ms. SPEIER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SPEIER. Mr. Speaker, you know, we have all heard the jokes about how many people does it take to screw in a lightbulb? Well, I have a variation on that this morning.

How many seniors have to lose their Medicare in order to provide a \$104,000 tax cut per year for every millionaire? The answer is 17.

Seventeen seniors will see a reduction in their Medicare or an additional cost of \$6,000 a year in order to pay for the millionaire tax cut of \$104,000.

Mr. Speaker, even The Wall Street Journal, the conservative Wall Street Journal, has said the House Republican plan will likely result in higher out-of-pocket costs and greater limits to coverage for all Americans.

House Budget Committee Chairman PAUL RYAN's solution is to end the current Medicare program for people.

CONGRATULATING MAJOR GENERAL VINCENT BROOKS ON PROMOTION TO THREE-STAR GENERAL

(Ms. JENKINS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JENKINS. Mr. Speaker, I have the honor and privilege of representing Fort Riley, home of the 1st Infantry Division, or the Big Red One, which has been under the command of Major General Vincent Brooks since April of 2009, a term that included a yearlong deployment to Iraq.

General Brooks is being promoted to a three-star general and will be moving on from Fort Riley. In his short time in Kansas, he has been a tremendous

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asset to Fort Riley, a devoted member of our community, and a wonderful adviser to me personally, and we are sad to see him go.

While I could not be in the district to attend the change of command ceremony, I wanted to take a moment and thank General Brooks for his dedication and service to our country, congratulate him on his promotion, and let him know that he will be truly missed at Fort Riley, Kansas.

REMEMBER THOSE WHO LAID DOWN THEIR LIVES IN SERVICE TO OUR COUNTRY

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALZ of Minnesota. Mr. Speaker, this Monday, Memorial Day, will give citizens from around the country the opportunity to come together and remember those who have laid down their lives in defense of our freedom. The debt we owe our Nation's servicemembers and veterans is immeasurable. Therefore, it's fitting to honor those heroes by renewing our commitment in this House to caring for those servicemembers both while they are in the military and after they return home.

As a 24-year veteran of our armed services, I am proud of the work we have done in Congress to support our veteran servicemembers: Passed landmark budgets worthy of our veterans; made sure the VA health care budget was delivered a year in advance; expanded VA health care access for returning combat veterans; increased support for veteran caregivers; passed a 21st century GI bill and continue to improve upon it; and enhanced employment opportunities.

Although we have come a long way, our work is never done. We must make sure that our returning troops do not fall through the cracks and that they make the transition to civilian life with the full support of this Nation.

On behalf of that grateful Nation, we thank our current servicemembers, our veterans, and their families for their service.

HONORING AMERICANS WHO MADE THE ULTIMATE SACRIFICE

(Ms. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HAYWORTH. Mr. Speaker, as you know, this Monday is Memorial Day, and Memorial Day reminds us that the most fundamental right of Americans, the one we cherish most, is to be free. But that freedom is purchased at a dear price.

I rise in gratitude to the millions of Americans who have made the sacrifice, the ultimate sacrifice, and to their family members. I remember in particular Private David R. Fahey of

Yorktown Heights, New York, from our own District 19, who made the ultimate sacrifice this year.

Thanks to all of our veterans and all of our families who do so much to assure that we enjoy the freedoms that we cherish every day.

TRUE COSTS OF REPUBLICANS' MEDICARE PLAN

(Mr. SIREs asked and was given permission to address the House for 1 minute.)

Mr. SIREs. Mr. Speaker, my colleagues across the aisle have recently claimed that current seniors won't be impacted by their plan to end Medicare as we know it. This simply is not true.

From day one their plan would force seniors to pay more for prescription drugs and health services because the doughnut hole will be reopened and free wellness visits under Medicare would be eliminated. As a consequence of the reopening of the doughnut hole in my State of New Jersey alone, an estimated 142,800 seniors will pay \$80 million more for prescription drugs in 2012. Additionally, the majority's plan to rescind the ban on copays for wellness visits for seniors would force at least 30,000 New Jersey seniors to pay over 3 million more for annual wellness visits next year.

Once the plan takes effect in 2022, out-of-pocket expenses for seniors will soar. A typical 65-year-old in New Jersey would pay \$7,060 more in 2022 for health care costs, more than double the cost under current law.

Mr. Speaker, the majority's plan for Medicare does not preserve the program as we know it. Rather, it takes money from seniors' pockets and places them at the mercy of rising insurance costs.

□ 1010

BILL JACKSON RETIREMENT SPEECH

(Mr. GARDNER asked and was given permission to address the House for 1 minute.)

Mr. GARDNER. Mr. Speaker, this week, my district is losing one of its very best agricultural reporters to retirement. Bill Jackson will be leaving the Greeley Tribune, and in his place will be a big hole in coverage of agricultural issues in the Fourth Congressional District of Colorado.

He spent his entire childhood and early years in Fort Morgan but ultimately moved to my hometown of Yuma, Colorado, where he graduated high school. He served in the Navy, and after that he went to Arizona and Sterling before joining the Greeley Tribune in 1977, where he has spent the last many years.

In 2004, Bill was inducted into the Colorado Agricultural Hall of Fame. Mike Peters, one of Bill's colleagues at the Greeley Tribune, wrote a speech about Bill for his retirement, and it

was so funny that I would like to share some of those excerpts with you today.

You know you're Bill Jackson if you go to cover a water meeting and you know what the heck they're talking about.

You know you're Bill Jackson if, when someone mentions Charlie or Dick Monfort, instead of talking Rockies baseball, you tell them how you changed their diapers when they were little.

You know you're Bill Jackson if you know every single farmer, rancher, milker, ditch rider, beet picker, cowboy, cowgirl, and rainmaker in Weld County.

You know you're Bill Jackson if the term "NISP" not only makes sense, but it also makes your heart race.

You know you're Bill Jackson if you know the path of a snowflake from the point it falls from the sky onto the mountain, it goes into a river and then a reservoir and down a river until it reaches your water cup.

We're going to miss Bill Jackson. I thank him for his service to Colorado and to Colorado agriculture.

INDIANAPOLIS MOTOR SPEEDWAY

(Mr. CARSON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. CARSON of Indiana. Mr. Speaker, throughout its illustrious history, the Indianapolis Motor Speedway has served as the proving ground for many innovations that have become mainstays in automotive production and at raceways around the world. But it is the 500-mile race that is conducted at the end of May that makes the Indianapolis Motor Speedway so special. Every Memorial Day weekend, 300,000 fans from across the world gather at the historic track for "The Greatest Spectacle in Racing," the Indianapolis 500.

This year, I, along with motor sports fans from around the world, am excited to be celebrating the 100th anniversary of this famous race. For 100 years now, legions of fans have traveled to the town of Speedway, Indiana, to witness the premier motor sports event in the world and to see which driver's likeness will be added to one of the most coveted trophies in the world of sports—the Borg-Warner Trophy.

As the largest single-day sporting event in the world, the Indianapolis 500 remains a great source of pride for my constituents in the Seventh Congressional District and for Hoosiers all across the United States.

WAITING FOR ICE

(Mr. BARLETTA asked and was given permission to address the House for 1 minute.)

Mr. BARLETTA. Mr. Speaker, 3 weeks ago Tuesday, a police chief in my district stopped a man for speeding. The driver was an illegal alien. He didn't speak English, so a translator

was called. The man had been in the United States for 6 years. He had been arrested before. He had no job. He didn't know where he lived. He had \$3,000 cash in his pockets, and he had two public benefit access cards. When the police chief called Immigration and Customs Enforcement, ICE said, "Let him go."

At a time when our Nation is broke and when programs for our elderly are being cut, ICE must not allow people like this to defraud the American taxpayers.

Mr. Speaker, 3 weeks ago I asked ICE to explain this decision and put in writing the policy regarding the detention of illegal aliens found by local law enforcement. Why was this man let go? Three weeks later and I am still waiting. I demand an answer. My constituents deserve an answer, and millions of Americans deserve an answer. We're all still waiting.

MEMORIAL DAY

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today to remind Americans that on Monday we will commemorate those men and women that have fallen in battle. This morning we are laying a wreath in the Arlington Cemetery in reflection and remembrance of women who have fallen on behalf of their country.

We want to say to all those families, those mothers, fathers, and extended family members, we offer our deepest gratitude and sympathy, and as well to the Blue Star and Gold Star mothers who remain active in serving this country.

As a member of the Military Families Caucus, I'm delighted to be able to say that we will stand for our families. And our promise is to those who still live and still fight that we will fight for more resources for you, and we will fight for more opportunities that you will have when you return home: a good paying job, educational opportunities, and the ability to heal and mend and to provide for your families.

We mourn those who have been lost. We pay tribute to them. But we say that the Nation will never stop being grateful for those who have fallen in battle and who, in fact, have sacrificed their life for us for freedom, democracy, and justice. We pay tribute on this Memorial Day.

MAKING IN ORDER CONSIDERATION OF AMENDMENT NO. 55 TO H.R. 1540

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 1540 in the Committee of the Whole pursuant to House Resolution 276, amendment No. 55 in House Report 112-88 may be considered out of sequence.

The SPEAKER pro tempore (Mr. GARDNER). Is there objection to the re-

quest of the gentleman from California?

There was no objection.

GENERAL LEAVE

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1540.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

The SPEAKER pro tempore. Pursuant to House Resolution 276 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 1540.

□ 1016

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes, with Mr. WOMACK in the chair.

The Clerk read the title of the bill.

The CHAIR. When the Committee of the Whole rose on Wednesday, May 25, 2011, proceedings on amendment No. 100 printed in House Report 112-88, offered by the gentlewoman from Maryland (Ms. EDWARDS), had been disposed of.

The Chair understands that the proponents of amendment Nos. 101 through 109 will not individually offer their amendments.

AMENDMENT NO. 110 OFFERED BY MR. INSLEE

The CHAIR. It is now in order to consider amendment No. 110 printed in House Report 112-88.

Mr. INSLEE. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 345, after line 8, insert the following:
SEC. 731. PROVISION OF REHABILITATIVE EQUIPMENT UNDER WOUNDED WARRIOR ACT.

Section 1631 of the Wounded Warrior Act (title XVI of Public Law 110-181; 10 U.S.C. 1071 note) is amended by adding at the end the following:

“(c) REHABILITATIVE EQUIPMENT FOR MEMBERS OF THE ARMED FORCES.—

“(1) IN GENERAL.—Subject to the availability of appropriations for such purpose, the Secretary of Defense may provide an active duty member of the Armed Forces with a severe injury or illness with rehabilitative equipment, including recreational sports equipment that provide an adaption or accommodation for the member, regardless of whether such equipment is intentionally designed to be adaptive equipment.

“(2) CONSULTATION.—In carrying out this subsection, the Secretary of Defense shall consult with the Secretary of Veterans Affairs regarding similar programs carried out by the Secretary of Veterans Affairs.”.

The CHAIR. Pursuant to House Resolution 276, the gentleman from Washington (Mr. INSLEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. INSLEE. Mr. Chair, we're offering a simple amendment that will make it much easier for our wounded warriors to obtain access to adaptive recreational equipment. We have these proud men and women coming back from the field of battle with obviously very, very severe wounds; and what we have found is some of the best things they could do to get back with their lives and professional development is to have access to adaptive recreation, both services and equipment. And I know some of these folks do incredible things with paralysis skiing, with severe injuries riding adaptive bicycles, people who have lost their vision, wounded warriors getting back up on the slopes, and it has been a tremendous thing for these men and women to help restore their confidence, rebuild their strength, and get back into the swing of things.

Research has shown this works not only from a psychological but also from a physical standpoint. But we have a little glitch that, whereas our veterans through the Veterans Administration can have access to this adaptive equipment, such as monoskis and adaptive hand-cranked bikes, our wounded warriors haven't necessarily had the authorization to be provided that equipment who are on active duty. So my amendment would simply authorize the Department of Defense to make that available.

And I have been inspired by Lieutenant Colonel Daniel Dudek, who until today has been the commanding officer of the Warrior Transition Battalion at Joint Base Lewis-McChord in Tacoma. He is moving on to continue this work here at the Pentagon. He lost some function in his limbs and has done a tremendous job helping wounded warriors get back going.

We'd like to extend this systemwide now, and this would authorize the DOD to do that.

□ 1020

So we would commend this as one step forward to helping our proud men and women regain their confidence, enjoy life and professional abilities. We commend this.

For the young men and women who return from overseas with a severe injury or disability, recreational activities—spending time outdoors skiing or on the basketball court shooting hoops with friends—offer them a chance to forget their disability and focus on doing the things they love. Research has shown that engaging in physical activity regularly benefits wounded warriors' confidence and overall quality of life. Thanks to the incredible equipment available to these wounded warriors—such as “mono-skis” or sport

wheelchairs that have been adapted to fit their disability—participating in outdoor recreation is a real possibility. At this time, service-disabled veterans may receive such adaptive recreation equipment through the Department of Veterans Affairs. For the wounded warriors who remain on active duty, however, access to the rehabilitative equipment that can get them outdoors and active may be more difficult. Lieutenant Colonel Daniel Dudek, who until today served as the commanding officer of the Warrior Transition Battalion at Joint Base Lewis McChord, in Tacoma, WA, is one of these brave wounded warriors. My amendment would authorize the Secretary of Defense to provide wounded warriors who remain on active duty the same recreational equipment that their retired comrades receive through the Department of Veterans Affairs. This amendment will open the door to daily exercise and friendly athletic competition with friends, and will give them independence to pursue the recreational activities that give them the most joy.

BRIEF BACKGROUND

After a scathing Washington Post investigation of their wounded warrior programs at Walter Reed, the Department of Defense and the Department of Veterans Affairs overhauled their wounded warrior transition care programs. While I applaud the steps they have taken, I am introducing this amendment to fill a remaining benefit gap.

Previously, when a member of the Armed Services was found “unfit to serve” because of a disability—a process that included an appearance before a MedBoard—they were automatically retired and began receiving care through the VA. Now, you can apply to remain on active duty.

Active duty members, who have been declared unfit for duty and cannot transition back into, stay on in service of their country in other capacities. Many of these men, such as Lieutenant Colonel Daniel Dudek (who I mentioned earlier), are serving as inspirational mentors to other wounded warriors who are undergoing a difficult transition. Though they are not serving on the battlefield, they are providing our country a valuable service by assisting with this transition.

To account for the benefit gap that prevents active duty wounded warriors from receiving recreational equipment through TRICARE, the DoD has worked with VA to see that some active-duty members received assistance through the VA. However, this was inefficient and many active duty wounded warriors were still without the equipment they wanted. Further, the VA’s authority to help active duty members is set to expire on December 31, 2012.

Beginning in 2008, the DoD developed a pilot program to provide rehabilitative equipment to active duty service members. However, the definition of rehabilitative equipment was restricted to simply provide “hand bicycles.” My amendment would give the DoD flexibility, and allow wounded warriors independence to choose the type of recreational rehab they want to pursue.

My amendment in no way abridges the rights or services currently enjoyed by wounded warriors. It simply gives them expanded access to rehabilitative, recreational equipment.

Lieutenant Colonel Daniel Dudek (Commanding Officer of Joint Base Lewis McChord’s Warrior Transition Battalion)—paralyzed from the feet down after an IED attack.

Stayed in the service working with other wounded warriors as they transitioned back to active duty or retired. LTC Dudek wanted a “mono-ski,” but was unable to receive one through the DoD. Had he retired, he could have been provided a “sit-ski” by the Department of Veterans Affairs. Under my amendment, the Secretary of Defense will be authorized to provide this equipment.

I have spoken with another Army Colonel who is 100 percent disabled but was approved to stay on active duty. However, when he tried to get adaptive sporting equipment—in this case a mono-ski—through the caregivers at the DoD health facility Walter Reed, he was unable to get it as it wasn’t covered through TRICARE. Again, the VA could have purchased it if he was a veteran, but since he had not yet retired he did not have access to the same equipment that he otherwise would have.

TESTIMONIALS FROM WOUNDED WARRIORS

“All the training and dedication pays off when you have crossed the finish line, you’re standing completely exhausted next to your fellow service member, and for that moment, completely forgetting about your disabilities.”—Jose Ramos, Hospital Corpsman 3rd Class, U.S. Navy, Above Elbow Amputation, Iraq War Veteran

“Six months after my injury I was skiing again. You can’t imagine the confidence that gives you and so you start seeing yourself doing things in life again . . . knowing that you’re going to get a job, knowing that you’re going to go to school because you’re out there tearing up the slopes. It’s just a super family here. It’s a great experience, it’s a family experience, and the whole community just gives its all to give you a group hug and I love coming here.”—Dennis Walburn, U.S. National Guard LTC, Wounded Warrior, Above Knee Amputee, Iraq War Veteran

“It was amazing, I was out there on the water, hearing everyone cheer me on. I was waterskiing! It’s something I never thought I would be able to do again.”—Joey Bozik, U.S. Army SGT, Triple amputee, Iraq War Veteran

I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I rise to claim the time in opposition to the amendment, although I don’t oppose the amendment.

The CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. MCKEON. Mr. Chairman, I commend the gentleman on his amendment. It think it will make the bill stronger. We should be doing all we can to help our wounded warriors. This is something that, fortunately, he picked up on. I think it is an exceptional idea. I thank him for it.

I yield back the balance of my time.

Mr. INSLEE. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE).

The amendment was agreed to.

AMENDMENT NO. 111 OFFERED BY MS. JACKSON LEE OF TEXAS

The CHAIR. It is now in order to consider amendment No. 111 printed in House Report 112–88.

Ms. JACKSON LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 531, after line 2, insert the following:
SEC. 1099C. PROCLAMATION FOR NATIONAL DAY OF HONOR TO CELEBRATE MEMBERS OF THE ARMED FORCES RETURNING FROM IRAQ, AFGHANISTAN, AND OTHER COMBAT AREAS.

The President shall designate a day entitled a National Day of Honor to celebrate members of the Armed Forces who are returning from deployment in support of Iraq, Afghanistan, and other combat areas.

The CHAIR. Pursuant to House Resolution 276, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, earlier this morning, in fact just a few minutes ago, I spoke on the tribute that Americans will give to their fallen this coming Monday, sadly so, but with joy and appreciation for the bravery of those who sacrificed their lives and their families.

Today I rise with an amendment supported by my colleague and a member of the Armed Services Committee, Mr. JOHNSON, to ask support for an amendment that can bring all us together, the designation of a national day of honor to celebrate the members of the Armed Services who will be returning from deployment in Iraq and Afghanistan and other combat areas. This national day of honor would recognize the enormous sacrifice and invaluable service that those phenomenal men and women have undertaken to protect our freedom and share the gift of democracy in other parts of the world.

How many of us have stopped to say “thank you” to a soldier walking alone in an airport, maybe having made a travel of millions of miles, thousands upon thousands of miles, to find himself or herself in their rural hamlet or urban center coming home. They have come home over the years, and they have come home not seeking glory or appreciation. That’s our men and women. The men and women of the United States military and intelligence community who helped bring Osama bin Laden didn’t ask for applause and appreciation.

My amendment will give all Americans, no matter what your political views, religion, ethnicity, gender or background, the chance to be able to say “thank you.” It is reminiscent of times that some of us did not live through. I am reminded of the pictures that I saw of those celebrating in the streets during World War II.

My uncle served in World War II. My grandmother sent her sons to war. She watched them one by one, and proudly so. As an immigrant American, she was glad to be able to send them to fight our battles.

Now, as we make our decisions to bring our troops home, to be able to provide them the opportunity of economic enhancement such as jobs and

education, let's have a day where all of us will be able to be in the streets, if you will, to simply say "thank you;" and job well done!

So I ask my colleagues to join me to say "thank you" to one of the most diverse exhibitions of American bravery and courage, and that is the United States military. As you can see, here they are, without fanfare, fighting for us in the midst of battle. And all I want to do is say "thank you."

Mr. Chair, I rise today offering my amendment No. 111 to H.R. 1540, "National Defense Authorization Act For Fiscal Year 2011," which HANK JOHNSON the gentleman from Georgia has joined me in offering as a Cosponsor. I thank Representative JOHNSON for his support. My amendment will designate a National Day of Honor to celebrate members of the Armed Services who are returning from deployment in Iraq, Afghanistan, and other combat areas. This National Day of Honor would recognize the enormous sacrifice and invaluable service that these phenomenal men and women have undertaken to protect our freedoms and share the gift of democracy to other parts of the world.

My amendment provides an opportunity for all Americans, regardless of political views, religion, ethnicity, gender, or background to come together, and to recognize and honor our nation's heroes. I believe the paramount and overwhelming conclusion is that our freedom is intertwined with the sacrifices of our Veterans, whose devotion to our way of life is unparalleled. I am privileged to honor their sacrifices and the role they play in our nation.

We are in the midst of ongoing conflict and warfare. We must show continued support of our troops and increase their moral. What better way to demonstrate our support than by celebrating their return from deployment with a National Day of Honor. Though we may be divided by our positions on the war in Iraq, Afghanistan and other combat areas, we stand together to support our veterans.

Currently, there are close to 100,000 troops serving in Afghanistan. And even in the aftermath of the death of Osama bin Laden, troops remain in Afghanistan to protect against retaliatory attacks and to help rebuild the country.

As of April 2011, close to 46,000 American troops are serving in Iraq. At the height of the Iraqi dispute, close to 170,000 U.S. troops were stationed in Iraq. These courageous men and women are mothers and fathers, husbands and wives, yet they have risked their lives and left their families to fight for what they believe in which is freedom, equality, and all the like principles that America stands on. The courage and sacrifice of the men and women are certainly well deserving of celebration. Their service is an extraordinary act of patriotism for which we should all be thankful.

Our nation has a proud legacy of appreciation and commitment to the men and women who have worn the uniform in defense of this country. We must be united in seeing that every soldier, sailor, airman, and marine is welcomed back with all the care and compassion this grateful nation can bestow.

The military represents America's diversity. A National Day of Honor will celebrate men and women of all races and backgrounds. There are 2.4 million African American, 1.1 million Hispanic, 320,000 Asian American and Pacific Islanders and 169,000 American Indi-

ans and Alaska Natives who are honored veterans of our nation's military. Nearly 266,000 African Americans, 157,000 Hispanic Americans, 44,000 Asian Americans and Pacific Islanders, and more than 18,5000 American Indians and Alaska Natives have served are nation in Iraq and Afghanistan.

A National Day of Honor will welcome home the diverse group of soldiers upon their return from deployments. Currently there are more than 44,500 African Americans, 31,000 Hispanic Americans, 10,000 Asian Americans and Pacific Islanders, nearly 4,000 American Indians and Alaska Natives deployed in Iraq and Afghanistan. When they return home they will find waiting for them a universal welcome and celebration of their service.

A designated National Day of Honor will bring Americans together to celebrate those who have returned from serving our country around the world in the name of freedom and democracy. The debt that we owe to them is immeasurable. Their sacrifices and those of their families are freedom's foundation. Without the brave efforts of all the soldiers, sailors, airmen, marines and Coast Guardsmen and their families, our country would not live so freely.

As we continue to be engaged in hostilities in Iraq and Afghanistan, our young men and women will pay the ultimate price while wearing the uniform of our nation. Let us honor the memory of the 4,400 Americans who have died in Iraq and more than 1,300 who have died in Afghanistan. We also honor the sacrifices of our wounded: nearly 32,000 U.S. troops in Iraq and 9,000 in Afghanistan. And we must not forget all the lives lost on battle fields as our troops stood to support our democracy. Remember the average age of the 58,148 men and women who gave their lives in Vietnam was 23 years old.

As we remember their patriotic sacrifices, we must renew our commitment to keep our promises to the nation's 3 million troops. A National Day of Honor is the perfect medium to welcome home troops.

I represent a district that is home to one of the largest populations of military servicemembers and their families in the nation. There are over 200,000 veterans of military service who live and work in Houston; more than 13,000 are veterans from Iraq and Afghanistan. They should return home to banners and to a community that recognizes their service after years of combat.

In the words of President John F. Kennedy, "As we express our gratitude, we must never forget that the highest appreciation is not to utter words, but to live by them." It is not simply enough to sing the praises of our nation's great veterans; I firmly believe that we must demonstrate by our actions how proud we are of our American heroes.

There are 23 million veterans in the United States. Currently, more than 1,626,000 veterans are living in Texas and more than 32,000 veterans live and work in my Congressional district alone.

It is my hope that by having a National Day of Honor we will take the time to show appreciation to those who have answered the call to duty upon their return home. As the great British leader Winston Churchill famously stated, "Never in the field of human conflict was so much owed by so many to so few."

I firmly believe that we should celebrate our veterans after every conflict, and I remain

committed to both meeting the needs of veterans of previous wars, and to provide a fitting welcome home to those who are now serving. Veterans have kept their promise to serve our nation; they have willingly risked their lives to protect the country we all love. We must now ensure that we keep our promises to our veterans.

We promise to leave no soldier or veteran behind. Politics and partisanship should never be a factor in our support for American veterans or troops. On the battlefield, the military pledges to leave no soldier behind. As a nation, let it be our pledge that when they return home, we leave no veteran behind. Celebrate their return home with a National Day of Honor. This day and every day, let us honor their service with actions that fulfill our commitment to our troops, their families, and our veterans—and that are worthy of our grateful nation.

Our nation is founded on the principles, laid out in the Declaration of Independence, that "all men are created equal," "that they are endowed by their Creator with certain unalienable Rights," and "that among these are Life, Liberty, and the pursuit of Happiness." At various points in our history as a nation, we have found need to send our sons and daughters, our most precious resources, overseas to fight in defense of these great principles. At times when the need is greatest, America's soldiers have always stepped up to protect our nation.

And so, today, I hope we will all take time from our daily lives to reflect upon the sacrifices made by those who serve in our armed forces, and to resolve together that we will provide returning veterans with the welcome, services, care, and compassion that they deserve. We should celebrate throughout the country to the sacrifices made by our men and women returning from their deployment to Iraq, Afghanistan, and other combat areas. Let us all remember that one of the things that makes our nation truly great are the young men and women willing to fight to defend it, to defend us, and to defend our way of life.

I reserve the balance of my time.

Mr. McKEON. Mr. Chairman, I rise to claim the time in opposition to the amendment, although I don't oppose the amendment.

The CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. McKEON. Mr. Chairman, I yield myself such time as I may consume.

I thank the gentlelady for doing this. I think she is exactly right on. I think everything that we can do to honor these warriors who are out there fighting for our freedoms and freedoms of those around the world we should do.

I thank you for this amendment.

I reserve the balance of my time.

Ms. JACKSON LEE of Texas. I thank the chairman very much for his kind words.

Mr. Chairman, I am delighted to yield 1 minute to the ranking member, the gentleman from Washington (Mr. SMITH).

Mr. SMITH of Washington. Mr. Chairman, I want to thank the gentlelady for bringing this very, very important amendment forward. I think the

most important thing that we can do for those who serve in the military is show them our support in every conceivable way, and especially when they come home from service. Iraq and Afghanistan have been very, very difficult fights. The men and women in our military have fought bravely and amazingly. Every time I meet one of them, I am just in awe of how great our military is, how brave they are, and what a tremendous job they have done for us; but it is really important that we don't forget that here at home.

A statistic that I have heard over and over again is that it is really only 1 percent of the population in the United States who is actually participating in this war. It is critically important that the rest of us remember it, support those who fought in every way possible. I can think of no better way to help make sure that happens than the amendment offered by the gentlelady from Texas, to give them a day when we all think about it and we all remember what they have done. It is critical that we do that every single day. This will help in that process.

I thank the gentlelady for offering the amendment, and I urge support.

Mr. MCKEON. Mr. Chairman, I reserve the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Chairman, let me first of all thank the chairman of the full committee and the ranking member of the full committee. Although this is not an amendment that pertains only to my district, I want you to know that I represent a district that is home to one of the largest populations of military servicemembers and their families in the Nation. There are over 200,000 veterans of military service who live and work in Houston; more than 13,000 are veterans from the Iraq and Afghanistan wars. They should return home to banners and to communities that recognize their service after years of combat. I might say that the State of Texas, along with all of the States, claim to have their wonderful share of our men and women of the United States military.

Mr. Chairman, I offer this amendment so the children of America can likewise be with us as they wave their flags and welcome our men and women home.

As President John F. Kennedy said: As we express our gratitude, we must never forget that the highest appreciation is not to utter words, but to live by them.

Let us live and act on our gratitude, and celebrate on this national day of honor the men and women who have served us so gallantly and bravely. I ask my colleagues to join me and Mr. JOHNSON in support of this amendment, to honor our returning troops by a national expression of thank you, again, for a job well done.

I yield back the balance of my time. Mr. MCKEON. Mr. Chairman, I yield myself the balance of my time.

Again, I want to thank the gentlelady for her amendment. We have a

good bill, this National Defense Authorization Act of 2012. It is a very good bill. We have a lot of good things in it; but this amendment, this amendment alone is reason to vote for the bill. I think we should all, on Memorial Day, on the day that you are requesting, and throughout the year, honor those who are willing to lay their lives on the line every day for us.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the Chair announced that the ayes appeared to have it.

Ms. JACKSON LEE of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. The Chair understands that the proponents of amendment Nos. 112 through 133 will not individually offer their amendments.

AMENDMENT NO. 134 OFFERED BY MR. RUNYAN

The CHAIR. It is now in order to consider amendment No. 134 printed in House Report 112-88.

Mr. RUNYAN. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 364, after line 2, insert the following:
SEC. 825. COMPETITION AND REVIEW OF CONTRACTS FOR PROPERTY OR SERVICES IN SUPPORT OF A CONTINGENCY OPERATION.

(a) CONTRACTING GOALS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) establish goals for competition in contracts awarded by the Secretary of Defense for the procurement of property or services to be used outside the United States in support of a contingency operation; and

(2) shall develop processes by which to measure and monitor such competition, including in task-order categories for services, construction, and supplies.

(b) ANNUAL REVIEW OF CERTAIN CONTRACTS.—

(1) REVIEW REQUIRED.—For each year the Logistics Civil Augmentation Program contract, or other similar omnibus contract awarded by the Secretary of Defense for the procurement of property or services to be used outside the United States in support of a contingency operation, is in force, the Secretary shall require a competition advocate of the Department of Defense to conduct an annual review of each such contract.

(2) COMPETITIVE AWARDS.—Based on the findings of a review conducted under paragraph (1), the Secretary shall identify subcontracts that may reasonably be treated as prime contract for purpose of a competition and take such steps as may be necessary to establish a competitive award basis for such a contract in a timely manner.

(c) ANNUAL REPORT ON CONTRACTING IN IRAQ AND AFGHANISTAN.—Section 863(a)(2) of the National Defense Authorization Act for Fiscal Year 2008 (110-181; 10 U.S.C. 2302 note) is amended—

(1) by redesignating subparagraphs (F) through (H) as subparagraphs (H) through (J), respectively; and

(2) by inserting after subparagraph (E) the following new subparagraphs:

“(F) Percentage of contracts awarded on a competitive basis as compared to established goals for competition in contingency contracting actions.

“(G) Justification for any non-competitively awarded contingency contracts that are not otherwise deemed to be not suitable for competition”.

The CHAIR. Pursuant to House Resolution 276, the gentleman from New Jersey (Mr. RUNYAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

□ 1030

Mr. RUNYAN. Thank you, Chairman MCKEON and Ranking Member SMITH, for your leadership and for working with me on this amendment. It, again, is an honor working with the both of you.

Mr. Chairman, the Commission on Wartime Contracting is an independent, bipartisan legislative commission established to study wartime contracting in Iraq and Afghanistan. This eight-member commission was mandated by Congress to study Federal agency contracting for reconstruction logistical support of coalition forces and the performance of security functions in support of Operation Iraqi Freedom and Operation Enduring Freedom.

In their latest report, the CWC found that, as contingency operations have stabilized, agencies have not shifted contracting approaches to introduce the much needed competition into long-term support contracts. Competition is the key in order to get our warfighters what they need through a fair and transparent contracting process and at the best value for taxpayers' money. I know this is something that we can all agree on.

My amendment would require the DOD to establish goals for competition and contracts awarded in support of a contingency operation and would require an annual review of omnibus contingency contracts to identify any subcontracts that can be completed as a standalone contract. It would also amend section 863 of the fiscal year 2008 NDAA to increase reporting requirements to competition in contingency contracting.

I urge my colleagues to support this critical amendment in support of the men and women serving in Iraq and Afghanistan and in support of the American taxpayer.

I reserve the balance of my time.

Mr. SMITH of Washington. I rise to claim the time in opposition, although I am not opposed to the amendment.

The CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. SMITH of Washington. I thank Mr. RUNYAN for bringing this to our attention. He has explained it very well, and I think this body should support the amendment.

I yield back the balance of my time.

Mr. RUNYAN. I thank the gentleman for his support, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. RUNYAN).

The amendment was agreed to.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. The Chair understands that the proponents of amendment Nos. 135 through 140 will not individually offer their amendments.

AMENDMENT NO. 141 OFFERED BY MR. THOMPSON OF PENNSYLVANIA

The CHAIR. It is now in order to consider amendment No. 141 printed in House Report 112-88.

Mr. THOMPSON of Pennsylvania. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 332, after line 24, insert the following:
SEC. 713. EXPANSION OF STATE LICENSURE EXCEPTION FOR CERTAIN HEALTH CARE PROFESSIONALS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Secretary of Defense and the Secretary of Veterans Affairs need to renew and improve efforts to reach out to rural America, which has less access to care;

(2) behavioral health services for active duty members of the Armed Forces, members of the reserve components, members of the National Guard, and veterans need to be more easily and readily accessible; and

(3) medical records and records of deployment need a “warm transition” and better collaboration between the Department of Defense and the Department of Veterans Affairs.

(b) EXPANSION.—Section 1094(d) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting “at any location” before “in any State”; and

(B) by striking “regardless” and all that follows through the end and inserting “regardless of where such health-care professional or the patient are located, so long as the practice is within the scope of the authorized Federal duties.”; and

(2) in paragraph (2), by striking “member of the armed forces” and inserting “member of the armed forces, civilian employee of the Department of Defense, personal services contractor under section 1091 of this title, or other health-care professional credentialed and privileged at a Federal health care institution or location specially designated by the Secretary for this purpose”.

(c) REPORTS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of Veterans Affairs, shall submit to Congress separate reports on each of the following:

(1) The plans to develop and expand programs to use new Internet and communication technologies for improved access to care and resources, including telemedicine, telehealth care services, and telebehavioral health programs that ensure patient privacy.

(2) Any plans to improve the transition of health and battlefield deployment records to better assist and care for veterans.

(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out the amendments made by this section.

The CHAIR. Pursuant to House Resolution 276, the gentleman from Penn-

sylvania (Mr. THOMPSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. THOMPSON of Pennsylvania. I thank the chairman and ranking member of this committee.

Mr. Chairman, I rise in support of the Thompson-Berkley amendment, which is nearly identical to H.R. 1832, the bipartisan Servicemembers’ Telemedicine and E-Health Portability Act, or STEP Act. This amendment will bring essential reforms to how our servicemembers and veterans access care, and will bring commonsense, no-cost changes to how the Department of Defense administers health care.

Currently, the Department of Defense has a limited ability to allow its health care professionals to provide care when a patient is in a different State. The Department of Defense’s hands are also tied when it comes to civilians or contractors who have stepped up to fill shortages in desperately needed positions, especially mental health.

As a result, many in the military are required to travel long distances in order to access care. This can add undue stress and financial burdens to the everyday lives of our service men and women. Too often these circumstances contribute to those going without who need help the most and, in some cases, contribute to their falling through the cracks.

By removing location requirements, this amendment will allow the Department of Defense qualified and credentialed health care professionals, including contractors and civilians, to get to their core mission of helping their compatriots in need.

This will allow our National Guard, Reserves, veterans, and retirees quicker and more efficient access to care, and will open the door to allow for the modernization of Department of Defense health care delivery.

This amendment will allow for new technologies in telephone and Internet communications to expand into the Department of Defense, which will greatly expand access, especially in rural America. It will also allow more specialists to be involved in providing care.

When it comes to behavioral health, the Guard and Reserves have been hit especially hard. This amendment will allow for the Guard and Reserves to access behavioral health care right from their homes, immediately, when they need it the most.

This has been a very important issue to me. I’ve met with our military and veterans over the past several months and have closely examined the behavioral health issues affecting our young men and women.

Recently, Vice Chief of Staff of the Army, General Peter Chiarelli, said, “The Army, like the larger American society, is suffering from a shortage of behavioral health specialists, and that is, in fact, a national crisis. Efforts in

tele-behavioral health—allowing specialists to meet with patients through teleconferencing technology, for instance—could increase the effectiveness and reach of a limited number of providers.” But the general then said, “There are challenges regarding the credentialing and licensing of specialists to work across State lines.”

Mr. Chairman, this amendment will directly address this issue and has the means to dramatically improve and change how our Nation’s warriors access care. With these restrictions removed, it opens new doors to how the Department of Defense can administer and expand its health care programs. To be clear, there is nothing in this amendment that is intended to change or to be the basis for any future change to the Department of Defense or State-based scope of practice laws or regulations.

Ultimately, this amendment is about technology and modernization. It is about new ways for servicemembers and veterans to access care. It is about fulfilling a pledge to take care of our veterans, regardless of where they live, at no new cost to the taxpayers.

This bipartisan amendment has broad support from the Pentagon and military community. Some of the most notable groups include the Air Force Association, the American Legion, the Association of the United States Navy, the Enlisted Association of the National Guard, Iraq and Afghanistan Veterans of America, Mental Health America, Military Officers Association of America, National Guard Association of the United States, Reserve Enlisted Association, and the Veterans of Foreign Wars.

I ask my colleagues on both sides of the aisle to support this commonsense, bipartisan, no-cost amendment. As Memorial Day approaches, we owe our veterans and servicemembers as much.

I reserve the balance of my time.

Mr. SMITH of Washington. I rise in opposition, although I am not opposed to the amendment.

The CHAIR. Without objection, the gentleman is recognized for 5 minutes. There was no objection.

Mr. SMITH of Washington. I thank the gentleman for offering the amendment. I have no opposition. I support it, and I appreciate his bringing it to our attention on the committee. I urge the body to pass the amendment.

I yield back the balance of my time.

Mr. THOMPSON of Pennsylvania. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. THOMPSON).

The amendment was agreed to.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. The Chair understands that the proponents of amendment Nos. 142 through 147 will not individually offer their amendments.

AMENDMENT NO. 148 OFFERED BY MR. TURNER

The CHAIR. It is now in order to consider amendment No. 148 printed in House Report 112-88.

Mr. TURNER. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle F of title III, add the following new section:

SEC. 3. LIMITATION ON OBLIGATION AND EXPENDITURE OF FUNDS FOR MIGRATION OF MANAGEMENT OF AIR FORCE ENTERPRISE LOGISTICS SYSTEMS PROGRAM EXECUTIVE OFFICE PENDING COST-BENEFIT ANALYSIS.

Of the funds authorized to be appropriated by this Act or otherwise made available to the Department of Defense for fiscal year 2012 for procurement or operation and maintenance for the migration to management for the Enterprise Logistics System Program Executive Office by the Department of the Air Force, not more than 10 percent may be obligated or expended until the date that is 30 days after the date on which the Secretary of Air Force submits to the congressional defense committees a report on the cost-benefit analysis of migrating the management headquarters for the Enterprise Logistics System Program Executive Office. The report shall address each of the following:

(1) The business case analysis supporting the decision.

(2) An analysis of alternatives to the decision that were considered.

(3) An economic analysis (including a life-cycle cost analysis) of the proposed transition, including a cost-benefit analysis and assessment of sustainment costs.

The CHAIR. Pursuant to House Resolution 276, the gentleman from Ohio (Mr. TURNER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. TURNER. Mr. Chairman, this amendment is really very simple. We've had a recent election where the tide of the taxpayers has spoken where they want this House and they want Congress to start making decisions and the government to start making decisions to address this issue of our debt and the existential threat that we have to our country of out-of-control spending.

We have an issue where the Enterprise Logistics Directorate is being moved by the Air Force without any analysis as to what is good for the taxpayers. It is an arbitrary decision that appears to have been made somewhere in the bureaucracy but needs the accountability of the taxpayers. Congress has to have the effective oversight to ensure that the taxpayers' dollars are being spent effectively.

What's interesting about this is that the Air Force first said, We're not going to move anybody. Then they said, We're going to move everybody to Ohio. Then they said, We're going to move everybody to Alabama. Then they said, We're not going to move anybody. Now they're back to moving everybody to Alabama. And when you ask them, they don't have one analysis or one scrap of paper that says what's best for the taxpayers. This is based on personalities and arbitrary actions.

This is an important directorate. This directorate mission is to empower

the warfighter to leverage information as an effective weapon anywhere, anytime. It develops fields, sustains and operates worldwide communications, computer systems and capabilities for the President, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the unified combatant commanders, services and specified Department of Defense agencies. It contracts with the procurement of information technology systems and services supporting DOD-wide customers.

□ 1040

This should not be a parochial issue. This should not be a parochial fight. This should be an issue of what is best for the taxpayers. There has been no analysis done.

My amendment does not step in place of the decision-making of the Air Force. In fact, what it says is let's do a cost-benefit analysis and then the Air Force gets to decide. But it requires that that cost-benefit analysis be done before anybody moves.

You know, again, remember the Air Force has said leave everybody in place; move them all to Ohio; move them all to Alabama; leave them in place; now move them to Alabama. This should not happen until we have a cost-benefit analysis where we can spend all this money, move all of these people, find out in fact that it costs more after the move. We could even have made a situation where we have to move everybody back.

We're just saying let's do a cost-benefit analysis. This is an amendment for the taxpayers. This amendment needs to pass.

I reserve the balance of my time.

Mrs. ROBY. Mr. Chairman, I rise in opposition to this amendment.

The CHAIR. The gentlewoman from Alabama is recognized for 5 minutes.

Mrs. ROBY. Mr. Chairman, I stand before you today to urge my colleagues to vote "no" on this amendment, very respectfully, from the gentleman from Ohio.

I would like to thank Chairman McKEON and his staff for agreeing to allow me and others the opportunity to debate this specific amendment.

The Air Force recently made a decision to combine two programs that fall under the Air Force Program Executive Office. EIS, currently located at Gunter Annex, Alabama, and ELS, located at Wright-Paterson Air Force Base, would be consolidated at Gunter.

Basically, the job of EIS is to design, acquire, install, and maintain operation support systems for the Air Force and the Department of Defense. And the job of the ELS is to empower the warfighter to leverage information as an effective weapon.

It makes good common sense for the management of these functions to be consolidated. Additionally, Air Force Materiel Command has approved this decision, and Congress should allow this decision to move forward.

My understanding is that no jobs from Wright-Paterson would be trans-

ferred, only the management of Air Force Logistics Systems would be removed from Wright-Paterson, where it has been for only 2 years.

This management role of acquiring and sustaining enterprise-wide logistics systems would return to Gunter, where it had been located for more than 20 years. However, the Turner amendment would require a cost-benefit analysis of the consolidation that would then need to be approved by the House Armed Services Committee, and this action would be costly and further bind the hands of our military commanders.

It is very important to note that the 2005 BRAC Commission Report showed that doing these operations at Gunter is more cost effective than at Wright-Paterson. Therefore, there is no need for another costly, drawn-out study.

It is important for us to allow our military commanders to make decisions that help the warfighter by increasing efficiencies when completing their mission. If we adopt this amendment, it will represent congressional interference in a decision that our commanders and the United States Air Force have already made.

I encourage my colleagues to vote "no."

Mr. Chairman, I reserve the balance of my time.

Mr. TURNER. Mr. Chairman, many times we talk about the taxpayers and saving the taxpayers money, but, unfortunately, sometimes when it comes down to parochial interests we get to the point where we say it doesn't really matter what's in the best interest of the taxpayers as long as it's coming my way or as long as it's my State.

All this amendment says is let's look at what's best for the taxpayers. That's all it requires is analysis of cost benefit. In fact, this issue was looked at by the 2005 BRAC process. The Air Force looked at merging these functions at Wright-Pat and Gunter, at Hanscom and then Wright-Pat and Gunter. In both cases, in both the 2005 and the 1995 BRAC process, this was rejected. This is going outside of BRAC.

Mr. Chairman, I yield 2 minutes to my colleague from Ohio (Mr. AUSTRIA).

Mr. AUSTRIA. I want to thank Mr. TURNER for yielding and offering this very important amendment.

You know, it's especially critical, as we continue our work in the House of cutting unnecessary spending and bringing transparency and accountability for taxpayer dollars, that we have an amendment like this in place. And this amendment, again, simply asks the Department of Defense and the Air Force to provide that same transparency.

The Air Force is merging, as we heard, two important areas of logistics with the Enterprise Logistics Systems, ELS, and the Enterprise Information Systems, EIS, into a new portfolio known as the Business Enterprise Systems Portfolio. Again, this amendment is simply saying, as you make this

merger, as you combine these two different portfolios, do a cost-benefit analysis.

ELS, which includes activities such as ECSS and others, has been shown to be cost efficient and much needed to modernize the Air Force's logistics and information technology systems and services. ELS currently manages some very large programs at Wright-Paterson Air Force Base and Gunter Annex. There are approximately 1,000 jobs, including military, civilians, and contractor employees within the Enterprise Logistic Directorate. Asking the Department of Defense to provide a cost-benefit analysis of their decision to combine these portfolios makes sense.

To respond to the comment of this being a costly study, this study will provide Congress the same transparency and accountability of taxpayer dollars that we here in Congress are being asked. And I support the Air Force's plan to become more efficient, but we need to make sure that there is a good business case and that these moves actually are efficient and are in the best interest of the taxpayers.

Mrs. ROBY. Mr. Chairman, I yield 3 minutes to the gentleman from Alabama (Mr. ROGERS).

Mr. ROGERS of Alabama. Mr. Chairman, I rise in opposition to this amendment.

First, I want to thank Chairman TURNER for his hard work and dedication when it comes to the national defense and well-being of our warfighters. I am privileged to be able to serve on the House Armed Services with my friend.

With that said, I disagree with my friend on this amendment. I believe this amendment calls for an unnecessary report to Congress meant to delay the Air Force's decision to consolidate and move the Program Executive Office for Enterprise Information Systems. This consolidation is at no cost to the Air Force.

Adequate cost studies already exist as a part of the 2005 BRAC Commission Report. Those reports show that executing these operations at Gunter Annex in Montgomery, Alabama, is more cost effective than at either Hanscom Air Force Base, Massachusetts, or Wright-Paterson Air Force Base in Ohio. The Air Force chain of command supports the decision to consolidate and relocate.

In short, Mr. Chairman, I believe that this amendment is an example of one of the ways that we can save money and make efficient choices when it comes to the Defense Department that doesn't come at the expense of the warfighter. At a time when our Nation is facing its dire fiscal situation, these are the types of small cost-saving decisions that add up over time.

I would also like to thank my colleague from Alabama, Mrs. MARTHA ROBY, for her leadership on this issue. She is a strong advocate for our brave warfighters, and I would like to associate myself with her remarks.

Mr. Chairman, I urge my colleagues to vote against this amendment.

Mr. TURNER. Mr. Chairman, may I inquire as to how much time I have remaining.

The CHAIR. The gentleman from Ohio has 15 seconds remaining.

Mr. TURNER. Mr. Chairman, the 2005 BRAC Commission actually rejected this consolidation and it was proposed at that time for Massachusetts. In 1995, it was proposed. We should not keep moving these jobs around until we have a cost-benefit analysis. All we're asking for is just the cost-benefit analysis to determine where they should be. This decision was just made last week. It needs to be reviewed.

Mrs. ROBY. Mr. Chairman, in closing, I would just like to say, again, that I urge my colleagues to vote "no." The Air Force has made it clear that this is the consolidation that they want, that it is efficient for their operations at Gunter Annex.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. TURNER).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mrs. ROBY. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

ANNOUNCEMENT BY THE CHAIR

The Chair understands that the proponents of amendment Nos. 149 through 151 will not individually offer their amendments.

AMENDMENT NO. 152 OFFERED BY MR. CRAVAACK

The CHAIR. It is now in order to consider amendment No. 152 printed in House Report 112-88.

Mr. CRAVAACK. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle C of title XII of division A of the bill, add the following:

SEC. 12xx. REPEAL OF UNITED STATES INSTITUTE OF PEACE ACT.

Effective as of the date of the enactment of this Act, the United States Institute of Peace Act (title XVII of Public Law 98-525; 22 U.S.C. 4601 et seq.) is repealed.

The CHAIR. Pursuant to House Resolution 276, the gentleman from Minnesota (Mr. CRAVAACK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. CRAVAACK. Mr. Chairman, I yield myself 3 minutes.

I rise in support of my amendment. After years of excessive spending, the United States is facing difficult economic and fiscal straits, Mr. Chairman. Presently, our country is suffering under \$14.39 trillion of national debt, and roughly 40 cents of every dollar that we spend must be borrowed and placed on the backs of our children.

Make no mistake, funding for government programs and nonprofit organizations that are not critical to the functioning of core government services must be considered for cuts.

With an extensive lobbying effort to portray the Institute for Peace as incredibly important to our Nation's work on the ground in Iraq and Afghanistan, a few U.S. officials have signed letters in its support.

□ 1050

While I have seen evidence to the contrary, I will, for the sake of argument and respect for the handful of generals that support the Institute for Peace cede their point.

However, I will note that the United States Institute for Peace grant program is entirely duplicative of existing grant programs of the United States, the private sector, and nonprofit organizations.

At a time when the government must do more with less, I remain convinced the research, training, workshop holding, and humanitarian work of the United States Institute for Peace, its small staff in Afghanistan and Iraq, can be replicated by divisions or offices with the Department of Defense, the State Department, or through entities like the Peace Corps and USAID. It must.

We are a Nation teetering on the edge of insolvency. Admiral Mike Mullen recently stated, The most significant threat to our national security is our debt.

Now is the time to make the tough calls, Mr. Chairman, and the United States Institute for Peace is a program that our children and our grandchildren should not be funding at the sake of their futures.

Mr. Chairman, therefore in close, I'd like to urge my colleagues to support amendment 152.

Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of Washington. Mr. Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Washington. I do oppose the amendment, and I will yield to my colleagues to explain our side.

I will begin by yielding 1 minute to the ranking member of the House Foreign Affairs Committee, the gentleman from California (Mr. BERMAN).

Mr. BERMAN. I have to say it boggles my mind how we can argue one minute about whether to withdraw troops from Afghanistan or authorize the use of force in Libya and in the next minute seek to eliminate the one U.S. government institution that is dedicated to resolving such conflicts peacefully.

No other institution can accomplish the mission Congress gave the USIP. No other agency has this peace-building mandate. General Petraeus called USIP's work invaluable, a potential key to the success in the enormous challenge we face; Under Secretary of

Defense Flournoy, talking about one specific example in Iraq where “The USIP helped tribal and local government leaders forge a groundbreaking agreement viewed by local leaders and military officials as a turning point toward peace and stability in one of Iraq’s most violent regions.”

I fail to understand what national interests could possibly be served by reducing the number of tools at our disposal. I urge my colleagues to oppose this amendment.

Mr. CRAVAAK. Mr. Chairman, I yield 1 minute to my esteemed colleague from Utah (Mr. CHAFFETZ).

Mr. CHAFFETZ. I rise in support of this amendment. I do believe we should defund the United States Institute of Peace.

In contrary to the comments from the gentleman from California, I believe every department, every agency in the United States of America stands for and fights for peace. We don’t have to have some separate organization that is just built on peace. No. It is the Department of Defense. It is the State Department. In fact, it is every agency within the United States of America that fights for peace. That’s what our country stands for. We don’t need a separate organization.

We have spent over \$700 million on this think tank that, while their intentions are good, quite frankly we can’t afford and we don’t need. It is the primary mission of the State Department and the Department of Defense to achieve the peace. It’s not something we dole off to some separate agency in a fancy building kitty-corner to the State Department.

And if the State Department and the Department of Defense aren’t fighting for peace, then maybe that’s a discussion we should have. But it is not the sole and only agency that fights for peace. We all fight for peace. And I encourage my Members to support this amendment.

Mr. SMITH of Washington. Mr. Chair, I am pleased to yield 1 minute to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. I thank my colleague and friend for yielding.

Mr. Chairman, I oppose this amendment, and I urge every single one of my colleagues to vote “no.”

Every single one of the last five Presidents—including President Reagan and Bush—understood the importance of the United States Institute of Peace. USIP is not a think tank. They don’t sit in the clouds shouting recommendations. They jump into the conflicts and work side-by-side with DOD and with the Department of State in Afghanistan and Iraq.

Listen to the generals and the commanders who are telling us that USIP saves the life of our soldiers in Iraq and Afghanistan. USIP saves American taxpayers dollars around the world. This is not a partisan issue. It is not hawk versus dove. This is basic, common sense—prevent and stop conflict, promote dialogue, build bridges, and save lives.

I ask all of my colleagues to vote “no.” It moves us away from peace, this amendment. Give peace a chance. Give peace a chance.

Mr. CRAVAAK. Mr. Chairman, as a 24-year naval veteran, there is no one that wants peace more than me. But I also want to leave a future for my children. And we cannot do that by mounting debt upon them. And though the U.S. Institute for Peace may be a good program, unfortunately it’s a duplicative program that other programs can do that are already being paid for.

So, Mr. Chairman, I say once again, this program needs to be eliminated so that we can maintain the savings.

I reserve the balance of my time.

Mr. SMITH of Washington. I yield 1 minute to the gentlelady from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I cannot imagine anything more shortsighted than cutting off funding for the U.S. Institute of Peace.

Since 2001, we’ve taken the militaristic approach to protecting America. And guess what? It has not worked. It’s killed thousands of our people. It’s cost us hundreds of billions of dollars. And it has not made us any safer.

For pennies on the dollar, we can have what I call “smart security,” investing in programs like USIP that use time-tested conflict prevention and resolution techniques. From Kosovo to Sudan to Iraq and Afghanistan, USIP personnel have been laying the building blocks of peace and stability. Created by Ronald Reagan’s presidential signature, it has been called “a striking success story” by General Petraeus. It does extraordinary work that has earned praise from leaders across the ideological spectrum.

USIP saves lives. It’s up to us to save USIP. Vote “no” on this misguided amendment.

Mr. CRAVAAK. Mr. Chairman, once again, I’d just like to remind the speaker that the U.S. Institute For Peace has been in existence since 1985 and spent \$720 million, and we have had many conflicts since then. So the United States Institute for Peace is not the critical factor when we’re talking about peace or war.

I reserve the balance of my time.

Mr. SMITH of Washington. Mr. Chairman, I now yield 1 minute to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. I couldn’t help but note my colleague from Minnesota’s last comment. He seems to imply that because there have been wars since 1985 that somehow that is an indictment of the U.S. Institute of Peace. That’s absurd and ridiculous.

But it always seems that we can find more money for defense spending but not for peace. It’s a question of priorities.

Last night I was here trying to argue that when the GAO and the Subcommittee on Sea Power says that we don’t need to spend \$150 million on the LHA-7, friends on the other side of the

aisle leaped to their feet and declared, “We’ve got to have this.” Well, the GAO doesn’t think so.

But yet we’re trying to zero out the U.S. Institute of Peace which can keep us out of conflict and is on the ground in Baghdad, Kosovo, Haiti, all kinds of places, trying to keep people safe and alive.

So faulty logic, poor argumentation won’t justify this bad amendment. I urge a “no” vote.

Mr. CRAVAAK. Mr. Chairman, just a reminder that this is a duplicative program that other agencies can do.

When I was in high school, I wrestled. And on the wrestling mat up on the ceiling there was a sign. It said, “If not you, who? If not now, when?”

Now’s the time to start cutting programs that are duplicative and programs that go ahead and continue to spend our country’s futures away.

I reserve the balance of my time.

Mr. SMITH of Washington. Mr. Chairman, I now yield 1 minute to the gentleman from California (Mr. FARR).

The CHAIR. The gentleman has 45 seconds remaining.

Mr. SMITH of Washington. I have only been yielding 1 minute at a time. I had 5; I yielded 4. How do I get down to 45 seconds?

The CHAIR. The gentleman’s opening statement consumed time.

Mr. SMITH of Washington. I didn’t make an opening statement.

The CHAIR. The gentleman’s opening statement consumed time. The gentleman has 45 seconds remaining.

Mr. SMITH of Washington. I disagree with that but I’ll live with it.

The CHAIR. The gentleman from California is recognized for 45 seconds.

□ 1100

Mr. FARR. I can’t believe what a stupid amendment this is because of the message it sends. The majority party whacked the hell out of the Peace Corps in your H.R. 1, and now you want to whack the heck out of the Institute of Peace. What message are you sending to the world? We can’t put a price tag on peace. But we certainly can put a price tag on war. Try \$6.7 billion. That’s what we spend every month in Afghanistan. That amounts to \$260 million a day. What a misguided amendment before us.

To eliminate the Institute of Peace only spends the equivalent of 5 hours, 5 hours in Afghanistan. Come on. You are surrounded by peace givers in this room. Look at the law givers. They are not warriors; they are people that tried to make peace. You are not going to win the war in Afghanistan militarily. You are going to win it through peace.

Mr. CRAVAAK. Mr. Chairman, everybody wants peace, I above all people. But the Department of Defense—we have plenty of agencies within the Federal Government that will go ahead and search for peace. We do not need another program to do it that we just cannot afford.

With that, sir, I would like to urge my colleagues to support this amendment.

Mr. BERMAN. Mr. Chair, I rise in opposition to amendment No. 92, which would eliminate the U.S. Institute of Peace.

Mr. Chair, the law creating the U.S. Institute of Peace was passed by a Republican-controlled Senate and signed into law by President Reagan.

That law cited a "deep public need for the Nation to develop fully a range of effective options, in addition to armed capacity, that can leash international violence and manage international conflict."

Is there anyone here who doubts that we still need a range of effective alternatives to armed conflict?

It boggles my mind how we can argue one minute about whether to withdraw troops from Afghanistan or to authorize the use of force in Libya, and the next minute seek to eliminate the one U.S. government institution that is dedicated to resolving such conflicts peacefully.

The State Department, USAID and the Defense Department each have their own important roles to play in preventing and resolving conflict. But none of them have the capacity to do what the U.S. Institute of Peace does: working "outside the wire" with all parties to conflict; acting as a bridge between governmental and non-governmental actors; conducting cutting-edge research and developing innovative peacebuilding tools; and training soldiers, diplomats, and aid workers prior to deployment in conflict zones.

No other institution can accomplish the mission Congress gave to USIP. No other agency has this peacebuilding mandate.

Under Secretary of Defense Michele Flournoy says that "our long-term success in Iraq and Afghanistan, as well as overall U.S. efforts to prevent conflict and strengthen peace-building globally, depend in part on USIP experts and programs in the field."

She specifically cites an example in Iraq, where "the USIP helped tribal and local government leaders forge a groundbreaking agreement, viewed by local leaders and military officials as "a turning point" toward peace and stability in one of Iraq's most violent regions."

General Anthony Zinni writes in the New York Times, "Congress would be hard-pressed to find an agency that does more with less. The institute's entire budget would not pay for the Afghan war for three hours, is less than the cost of a fighter plane, and wouldn't sustain even 40 American troops in Afghanistan for a year."

General Petraeus calls USIP's work "invaluable" and a "potential key to success in the enormous challenges we face."

According to General Wesley Clark, "Eliminating USIP funding is a jaw-dropping, backward step. Although other national security contributors can perform some of USIP's functions, none can perform them all in unity or has such convening power. More important, none can perform them as effectively."

And the Deputy Commanding General of the NATO Training Mission in Afghanistan says, "USIP is at the center of work on doctrine, interagency cooperation, military-NGO relations, and cutting edge efforts on rule of law, reconciliation, minority rights in conflict zones, and democratization—all at the heart of what the military needs to succeed in complex operations."

Mr. Chair, I fail to understand what national interest could possibly be served by reducing

the number of tools at our disposal for preventing and resolving conflicts without putting the lives of our troops on the line. I urge my colleagues to oppose this amendment.

Mr. CRAVAACK. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. CRAVAACK).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. SMITH of Washington. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Minnesota will be postponed.

AMENDMENT NO. 55 OFFERED BY MCGOVERN

Mr. MCKEON. Mr. Chairman, I ask unanimous consent that the debate for consideration of amendment No. 55 be expanded by 10 minutes, and that such time shall be equally divided and controlled by the gentleman from Massachusetts (Mr. MCGOVERN) and myself.

The CHAIR. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MCGOVERN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR (Mr. LATOURETTE). The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle B of title XII of division A of the bill, add the following:

SEC. 12xx. PLAN WITH TIMEFRAME FOR ACCELERATED TRANSITION OF UNITED STATES FORCES FROM AFGHANISTAN AND PLAN WITH TIMEFRAME FOR ACCELERATED TALKS WITH THE GOVERNMENT OF AFGHANISTAN.

(a) PLAN WITH TIMEFRAME FOR ACCELERATED TRANSITION OF U.S. FORCES FROM AFGHANISTAN.—Not later than 60 days after the date of the enactment of this Act, the President shall transmit to Congress a plan with a timeframe and completion date for the accelerated transition of United States military and security operations in Afghanistan to the Government of Afghanistan (including operations involving military and security-related contractors).

(b) PLAN WITH TIMEFRAME FOR ACCELERATED TALKS WITH THE GOVERNMENT OF AFGHANISTAN.—Not later than 60 days after the date of the enactment of this Act, the President shall transmit to Congress a plan with a timeframe to pursue and conclude negotiations leading to a political settlement and reconciliation of the internal conflict in Afghanistan. Such negotiations will include the Government of Afghanistan, all interested parties within Afghanistan, and with the observance and support of representatives of donor nations active in Afghanistan.

(c) NATIONAL INTELLIGENCE ESTIMATE ON AL-QAEDA.—The Director of National Intelligence shall submit to the President and Congress a new National Intelligence Estimate on the leadership, locations, and capabilities of al-Qaeda and its affiliated networks and cells. Such National Intelligence Estimate shall be submitted as soon as is practicable, but not later than the end of the 90-day period beginning on the date of the enactment of this Act.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed so as to limit

or prohibit any authority of the President to—

(1) attack al Qaeda forces wherever such forces are located;

(2) gather, provide, and share intelligence with United States allies operating in Afghanistan and Pakistan; or

(3) modify the military strategy, tactics, and operations of the United States Armed Forces as such Armed Forces redeploy from Afghanistan pursuant to the accelerated transition timeframe and completion date developed under subsection (a).

The Acting CHAIR. Pursuant to House Resolution 276, and the previous order, the gentleman from Massachusetts (Mr. MCGOVERN) and the gentleman from California (Mr. MCKEON) each will control 10 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MCGOVERN. Mr. Chairman, I yield myself 2 minutes.

Too many people have died in Afghanistan. Since January, I have attended three funerals in my district alone of young men who have sacrificed their lives there. Tens of thousands more have been wounded. And the suicide rate among our veterans from Afghanistan and Iraq is soaring. There is no clear mission. The Karzai government is corrupt. We continue to borrow money to pay for this war. We need to rethink what we're doing in Afghanistan. It's time to define the plan to bring our uniformed men and women home to their families and to their communities, where they belong.

Mr. Chairman, this is the longest war in our Nation's history. It's no longer about al Qaeda. I've met with our troops in Afghanistan. I've met with them after they have come home. They are incredible. Politicians put them into harm's way. And we now have an obligation to get them safely home.

President Obama has promised a drawdown of U.S. troops in July. Now we hear that might just be a token drawdown. This amendment, Mr. Chairman, and the vote on this amendment can send the President a clear signal of support for a meaningful drawdown of troops. Help him do what the American people want him to do: bring our troops home and invest in America.

We need to safeguard our national security. We all agree with that. But many of our greatest problems aren't halfway around the world; they are halfway down the block. And rather than nation building in Afghanistan, we need to do some more nation building right here in the United States.

Mr. Chairman, this is not a partisan issue. It's about doing what's right for our troops and for the Nation. If you have ever once thought that we need to do something different in Afghanistan, that it's time to rethink our policy, that we need to bring our troops home to their loved ones, then this is the amendment that you need to support. I ask my colleagues to vote for this amendment.

I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to my friend and colleague,

the gentleman from Colorado (Mr. COFFMAN).

Mr. COFFMAN of Colorado. Mr. Chairman, I rise in opposition to the McGovern amendment. I would certainly agree that we have gone beyond our security objectives in Afghanistan by building the economy that they never had at U.S. taxpayers' expense, by trying to restructure their society, and giving them a government that doesn't reflect the political culture of the country. But at the same time, we have legitimate security objectives in Afghanistan to keep the Taliban out, to keep it from taking over the country, to keep al Qaeda out, and to have a permissive environment in which to conduct strikes into Pakistan at targets such as Osama bin Laden, or al Qaeda and Taliban leaders as they present themselves.

But this amendment speaks to an expeditious withdrawal of U.S. forces from Afghanistan at a time when we are very far down the path of a current strategy for which the President says that we will already reduce our footprint in Afghanistan this summer, as well as shift operational control to Afghan security forces by 2014. This would pull the rug out under that entire strategy. I would urge a "no" vote from my colleagues.

Mr. MCGOVERN. Mr. Chairman, I am very proud to yield 2 minutes to the cosponsor of this amendment, the gentleman from North Carolina (Mr. JONES).

Mr. JONES. Mr. Chairman, on May 9 this year in an article in *The Wall Street Journal*—the title is "Mission Accomplished"—the article stated al Qaeda is no longer based there in Afghanistan and the Taliban must be beaten by Afghans themselves. This is why it is the right time to support the McGovern amendment. It's a reasonable, balanced plan to bring our troops home from Afghanistan.

Mr. Chairman, 2 weeks ago Lieutenant Colonel Benjamin Palmer and Sergeant Kevin Baldof, two Marines from my district, were shot and murdered by an Afghan officer while trying to train the Afghans. Here are these two great men, fathers, trying to train the Afghans, and somebody within the training area kills them, murders them. Yes, let's keep staying there. It's all worthwhile.

Mr. Chairman, the reason this amendment is so important is because Secretary Gates back in February at the Armed Services Committee made this statement. I am going to paraphrase it. That is why we believe that beginning in 2015—2015—the United States can, with minimal risk, begin reducing active duty end strength. 2015.

To quote the retired Marine Corps general that I respect so much, and I didn't serve in the military, and I quote him, "What do we say to the mother and father, the wife, of the last Marine or soldier killed to support a corrupt government and a corrupt leader?" The American people are tired and

fed up. But let me say more importantly than the American people are our military; they are tired and fed up.

The wife of this sergeant who was murdered trying to train the Afghans, he had emailed her the day before. And I read the email. "I don't trust them. I don't trust them for anything. Not for anything at all." And he died the next day, leaving two little girls. God bless our men and women in uniform.

Support the McGovern amendment.

Mr. MCKEON. Mr. Chairman, the last time I was in Afghanistan a little over a month ago, I had a chance to visit with our Marines and troopers. They were so animated about their mission, so filled with the idea that they were able to fight for freedom.

They told me the thing that the people are asking them is when are you leaving now? They need to have the understanding that we're there to finish the mission, to be successful in the mission.

I yield 2 minutes to my friend and colleague, the gentleman from Texas (Mr. CONAWAY).

□ 1110

Mr. CONAWAY. Thank you, Mr. Chairman, for yielding the time.

I have just recently gotten back from Afghanistan, and it is hard doing what we're trying to get done there, but the narrative we have in place today is better than at any point in time since I've been going to Afghanistan, and I've been going since 2005.

I've visited the Arghandab Valley, I've visited Marja, I've visited in Helmand Province, Kandahar Province, and seen with my own eyes the successes that last year's very difficult work done by the Marine Corps, done by the Army, has done in pushing the Taliban out of the settled areas and back into the desert and protecting the citizens of Afghanistan, to give them the breathing space they need to take over for themselves.

The work being done to establish the Afghan local police, that third layer of defense, that security by the Afghans, is in place and is working. The Special Forces teams that are co-located with those Afghan local police, particularly in the Arghandab Valley, have settled that and the Taliban has not come back this fighting season, as they expected them to do.

We have hard work to do. I understand the emotions, I understand the heartfelt tug that the previous speaker has brought to us, Mr. Chairman. It's hard not to listen to that and not make decisions, but decisions can't be made just simply on those emotions. You cannot separate what's going on in Afghanistan with Pakistan. We have to look at the entire package of that part of the world and our national security interests there, which are linked inexorably together with the interests in Afghanistan and Pakistan.

I rise to respectfully disagree with my colleagues on this amendment. There are better ways to elicit these

kind of forward-looking plans than this amendment. I ask my fellow colleagues to vote against the McGovern amendment.

Mr. MCGOVERN. Mr. Chairman, I am proud to yield 2 minutes to the ranking Democrat on the Armed Services Committee, the gentleman from Washington (Mr. SMITH).

Mr. SMITH of Washington. Mr. Chairman, I rise in strong support of the McGovern amendment, because I believe it puts us on the best path to successfully completing our mission in Afghanistan. I think it is very reasoned and very well thought out.

One of the keys to successfully completing this mission is to hand over responsibility to the Afghan people for their security and for their government. The McGovern amendment does not say pull all the troops out now at the end of the month or at the end of the year. It says we must begin, we must put in place a plan for drawing down so we can shift that responsibility.

I also agree with some of my colleagues who oppose the amendment. I think our men and women in the Armed Forces in the last 6 months to a year have made enormous progress in Afghanistan. The surge of troops that President Obama called for has made a big difference and has put us in a better position to be successful in Afghanistan. But the genius of the McGovern amendment is to recognize that there is also a trap in that, because if we stay too long, the Afghan Government becomes dependent upon us in a way that stops them from being independent.

Our goal, our mission in Afghanistan, is clear, despite many who say it isn't. We want a government in Afghanistan that can stand so that the Taliban and al Qaeda are not able to come back into that country. That is our goal, we're making progress towards it, but we will not complete that mission until the responsibility for that is turned over to the Afghan people. To do that, we need a plan and we need to recognize that that is the goal.

That is why the McGovern amendment calls for that plan, calls for us to step up negotiations with folks on the other side, between the Afghan Government and some of the Taliban leaders, which have been bearing fruit of late, so that we can begin that transition and bring our troops home and recognize the success that they've had.

A permanent or even lengthy occupation of a Muslim nation with U.S. troops is not going to work. We need a plan to properly disengage. That is how we will achieve what I think we all agree is the mission in Afghanistan.

I urge support for the McGovern amendment, and I thank him for bringing it. I think we need a plan for making that transition so we can have the success that we all want in Afghanistan.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to my friend and colleague,

the chairman of the Subcommittee on Readiness, the gentleman from Virginia (Mr. FORBES).

Mr. FORBES. I thank the gentleman for yielding.

We all know this: Every great champion knows that he hears from the sideline those voices who are constantly screaming for him to quit, those voices who tell him the race is just too tough, the finish line just too far away, just quit.

Mr. Chairman, when I listen to what I'm hearing today and I realize that both sides now in Afghanistan are working for a 2014 timetable, they're both serious about it, they're both pursuing it, I think, who would love this amendment?

Well, I've heard a lot about our troops, but I just got back last week and I talked to a lot of troops across Afghanistan, and I will tell you, I don't think there was a one of them that I talked to that would have supported this amendment.

The second thing is, I talked to young individuals who were elected to the Parliament in Afghanistan who were talking about concepts of freedom for the first time and transparency and who were working to change that government in Afghanistan. Not one of those individuals that I spoke to would have supported this amendment.

I saw young children for the first time in Afghanistan beginning to flood into school every day. Not one of them would have looked and supported this amendment.

I talked to Afghan soldiers who were being trained and who realize the importance they have of reaching that 2014 time period and taking over the reins, and not one of them would have supported this amendment. But I tell you who would have. The Taliban and al Qaeda would love any glimpse of hope that we're going to get out of there before we get the job done.

Mr. Chairman, I want to finish with this. I heard my friend from North Carolina talk about the price tag we pay. Let there be no question that we know the price tag we pay, that our men and women fighting over there know the price tag they are paying, but they also know that our failure to win in Afghanistan and meet the goals we have is a far greater price tag for us to pay. That is why we should defeat this amendment.

Mr. MCGOVERN. Mr. Chairman, I yield 3 minutes to the distinguished minority whip, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding.

I ask the previous speaker to go in his community to all those same institutions and see what they say.

I rise in support of this amendment as one who has supported this effort for all 10 years that we have been at it. In 2001, in response to the attacks of 9/11, the United States began a war in Afghanistan that targeted Osama bin Laden, al Qaeda, and the Taliban,

which provided bin Laden with sanctuary and aid. I supported that effort.

We have been pursuing this conflict for nearly a decade now. The death of Osama bin Laden was a landmark moment in our ongoing struggle to disrupt, dismantle, and defeat the terrorist networks that intend to do Americans harm, and that struggle has not ended with bin Laden's death. But his death is a moment for reflection on that struggle and how we can best equip ourselves to win it. Many of the terrorists against which we are fighting are no longer located in Afghanistan but are in disparate locations, from Yemen to Somalia to southeast Asia. And bin Laden was found in Pakistan.

I support this amendment, because it focuses upon adjusting to a world of changing threats. It is essential that we fight the smartest war possible against terrorists—but it is fair to ask how a massive troop presence in Afghanistan continues to help us accomplish that goal.

We must plan to transfer responsibility for security in Afghanistan to the Afghan people and government after 10 years' presence there, and it is important to make an assessment of how that best can be done. That's what the McGovern amendment does.

Therefore, this amendment requires a national intelligence estimate of al Qaeda's current leadership, locations, and capabilities. It requires the President to convey to Congress how he intends to meet the goal he stated in December 2009 of a transition for lead security responsibility to the Afghan people, where it belongs. It also asks the President to clarify plans for advancing a political solution in Afghanistan, which all of our military leaders have said is the only ultimate solution.

Finally, nothing in this amendment limits or prohibits the President's authority to attack al Qaeda or gather or share intelligence, nor does it require the administration to modify its military strategy, as it should not. This amendment, however, helps to meet our shared goal of defeating terrorists who wish us harm.

I have no doubt that President Obama and every Member of this House believes that their very first duty is to keep our Nation safe. We must constantly challenge one another and our Nation to fight smarter and harder to ensure victory in this broader struggle.

I rise in support of this amendment and urge its adoption.

□ 1120

Mr. McKEON. Mr. Chairman, I yield 2 minutes to my friend and colleague, the chairman of the Oversight and Investigations Subcommittee of the Armed Services Committee, the gentleman from Virginia (Mr. WITTMAN).

Mr. WITTMAN. Mr. Chairman, I too was recently in Afghanistan there visiting our troops, visiting the folks on the ground there, getting briefings about what's going on. This amend-

ment assumes that they are sitting there twiddling their thumbs saying, you know something, we really want to stay here for a long period of time.

Folks, that is not the case. They are doing everything as quickly as they can. I was there where they were training Afghans to be able to take control of that country while I was there. They turned over control of seven regions in that country.

To somehow believe that nothing is going on, that we need to accelerate is just ludicrous. They are going as fast as they can, but they are going at a rate to ensure that we are going to be there and be there successfully in helping the Afghan Government do what they need to do to make sure they assume control of the country and that they can maintain control and can make sure that they are there to defeat the Taliban. That's what the focus is.

That's what this mission is, and they are there doing that in a tremendous way. Somehow saying that we are going to go ahead and accelerate this, create artificial time frames without being aware of what's going on on the ground and saying somehow our military leaders aren't doing things as quickly and efficiently as they should, I think denies the reality of what they are doing, which is going as quickly as they can and doing a fantastic job of doing that.

Also, if you look at the requirements of the bill about determining time frames for negotiations, to me, requiring time frames on negotiations creates weakness in negotiations. I think you ought to make sure that it's the back and forth with the Taliban and the Afghan Government that determines where the negotiations are going, not artificial time frames. I think that creates, unfortunately, an imbalance in those deliberations, getting to what I believe is a satisfactory completion to the conflict there, but also to having an outcome that's satisfactory to the country, not just in the short term, but in the long term.

So I believe strongly that this amendment is not what we need to be doing there. Our effort needs to be left in the hands of our military leaders there and they are going as quickly as they can in their responsible way.

Mr. MCGOVERN. Mr. Chairman, for the sake of our troops and our country, I urge support of this amendment.

I yield 1 minute to the minority leader, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. I thank the gentleman for yielding and thank him for his leadership and working with Congressman WALTER JONES on this bipartisan amendment, which has been brought to the floor. They have worked again in a bipartisan way, in a patriotic way, to ensure that U.S. troops are brought home from Afghanistan safely and expeditiously.

Listening to the debate, it's interesting because I don't know that we are that far apart because we all want

to ensure the national security of our country. We all respect our men and women in uniform and the job that they are doing to keep us the land of the free and the home of the brave.

We respect them when they come home as our veterans, but we have to know that involvement of nearly 10 years has serious consequences for our country.

I told the President of Afghanistan on my recent visit this spring that each time I go there I say the American people are growing tired of war; we are weary of war. We went into Afghanistan in the fall of 2001. For about 7 years, there was no plan. There was no plan on how we would execute what we went to do and how we would leave.

When President Obama became President, many of us who were eager to bring our troops home gave him a chance to put forth a plan, which he did, which calls for the drawdown of troops in July 2011, and drawing down more completely by 2014.

President Obama himself had said earlier this month, I have already made a commitment that starting in July of this year we are drawing down troops and we are transitioning. We are training Afghan forces so they can start securing their own country.

The President went on to say we don't need to have a perpetual footprint of the size we have now. So, therefore, I think it's really important for us to know what this amendment does that I think reflects the mood of the American people.

It requires within 60 days of enactment, a plan and time frame for the accelerated transition of military and security operations to the Government of Afghanistan; within 60 days of enactment, a plan and time frame for negotiations leading to a political solution and reconciliation in Afghanistan, and within 90 days of enactment, a National Intelligence Estimate on leadership, location and capabilities of al Qaeda and affiliated networks and cells.

Who can be against that? Who can be against that? We are talking about 60 days a plan for transition, and 60 days a plan for negotiations.

I appreciate the efforts of this amendment, as it underscores the importance of having a plan and a time frame for a transition of responsibility, a transition of responsibility for security and stability to the Afghans so that we can bring our troops home.

The National Intelligence Estimate on al Qaeda that is called for in the plan will also help ensure our policymakers that they have updated information on the threat posed by al Qaeda and its affiliates who remain a threat even following the death of Osama bin Laden. Careful intelligence analysis is essential to keeping the American people safe.

So as I salute our men and women in uniform, I also want to salute our men and women in the intelligence community who are an important part of

keeping the American people safe. I commend them and CIA Director Panetta for his leadership in the Osama bin Laden operation.

But back to the specific point of this amendment. I have gone to Afghanistan year after year after year, never thinking that we would be engaged in the longest war in America's history. The first 7 years, not even a plan; but now the President has put into motion how we make judgments about how we stay and how we leave.

If you visit the women in Afghanistan, as many women in the Congress have done and some of our male colleagues as well, they will tell you whether you are talking to educated women in Kabul, but really more relevant to me, poor, poor women in the provinces, they are all saying the same thing.

I visited a group of women in the province of Zabul, just as I have visited a number of provinces and spoken to the women across Afghanistan. The women in Zabul said we really want to educate our daughters, we want to have access to health care clinics and the rest, but we can't have that until we have security, and we can't have security until we end corruption.

There are many things going on in Afghanistan that must change. There will be a better chance for change if we make an investment in the civilian side of this transition, whether it's diplomacy, whether it's part of the construction. They tell me not to say reconstruction because not much was there before. Construction there includes building schools. We visited little schools and schools in different parts of Afghanistan. It's very encouraging.

Our troops know that we have to leave, that we have to transition out. But as I told President Karzai also, we didn't come here, and we are not staying here 10 years so that when we leave women return to the subjugated position they were in under the Taliban.

So the answer to that is women must be at the table when you have the negotiations for reconciliation of the leadership of the Taliban, and reintegration of rank-and-file members of the Taliban. As we move toward more stability in Afghanistan, women must play a role. Women in America, women throughout the world care about how this all turns out there.

So here we are, almost 10 years later in a situation where we just want to have some management of this issue.

□ 1130

Let's have a plan for how negotiations will take place. Let's have a plan after we see the National Intelligence Estimate based on what the al Qaeda threat is.

This is a very wise amendment. I thank Mr. MCGOVERN and Mr. JONES for how they put it together because it is very reasonable. It has a goal in sight. It has a reasonable approach as to how we get there. But make no mis-

take: in overwhelming numbers, the American people think we have done our job there in terms of helping the Afghan people. Our purpose there was to protect the American people. We can do both by focusing more on the civilian side of governance issues and how Afghanistan is governed on anti-corruption issues. And our initiatives that I have seen there on this recent trip are an improvement over the past, by training the national security forces of Afghanistan, be it police or the military, so they can maintain their own security, and by diplomatically enlisting other countries in the region because they all have a vested interest in the stability of Afghanistan.

But an open-ended, unending war there, which is costly but is nothing compared to the cost of the loss of our young men and women, that's our first and foremost concern. But there is also the cost in dollars, the cost in opportunity and in military strength. This involvement and engagement in Afghanistan is not strengthening our military.

So Americans are paying a big price. We want to make sure we are getting a return on that investment, and time is a very important factor. It's time for our troops to come home. And I thank Mr. MCGOVERN and Mr. JONES for their leadership.

Mr. MCKEON. Mr. Chairman, might I inquire as to the time remaining.

The Acting CHAIR. The gentleman from California has 2¼ minutes remaining. The time of the gentleman from Massachusetts has expired.

Mr. MCKEON. Mr. Chairman, I yield the balance of my time to my friend and colleague, the vice chairman of the Armed Services Committee and chairman of the Subcommittee on Emerging Threats and Capabilities, the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Thank you, Mr. Chairman.

It is always tempting to say we ought to have a plan, but I think the purpose of this amendment is clear. It is to drive us out of Afghanistan on an accelerated time frame without regard for the conditions on the ground. And that is not only a mistake in strategy and detrimental to our security interests; it actually increases the danger to our troops and to coalition troops as well.

Timelines undermine their efforts. It discourages your friends, because they know you're not going to be there very long, it encourages your enemies because that helps them plan their assault against you, and it ensures that anybody on the fence hedges their bets because they know that you're not going to be around for very long.

And, Mr. Chairman, it occurs to me at a time when our government is wanting President Karzai to make difficult decisions, it is not particularly helpful for the minority leader to go over there and tell him how tired we are. Is that persuasive? Does that help him make the tough decisions to end

corruption and to stand up the Afghan police? Somehow I don't think so.

Mr. Chairman, I want our troops to come home as soon as they possibly can too, but I do not want the considerable sacrifice of blood and treasure that they have expended to be thrown away because of political impatience. That was the exact concern that numerous servicemen voiced to me when I was there with Speaker BOEHNER last month. They worry that Washington would throw away the important progress they have fought and died for.

Last Saturday, Mr. Chairman, in my district was a banquet to honor Armed Services Day. There were more than 1,200 veterans, people who are serving, the people who have served and their families. And numerous Gold Star families were there. The theme of the night was persistence. And you can tell from those families that have suffered the most and from those veterans that they did not want to have their sacrifice squandered away because of some Washington political compromise.

Mr. Chairman, I would suggest we need to learn from them and be inspired from them and reject this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MCGOVERN. On that I ask for a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENTS EN BLOC NO. 3 OFFERED BY MR. MCKEON

Mr. MCKEON. Mr. Chairman, pursuant to H. Res. 276, I offer amendments en bloc.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 3 consisting of amendment Nos. 70, 85, 86, 87, 88, 90, 91, 92, 93, 94, 95, 97, 101, 102, 103, 104, and 105 printed in House Report 112-88 offered by Mr. MCKEON of California:

AMENDMENT NO. 70 OFFERED BY MR. PETRI

Page 775, line 8, insert “, including electricity and direct use” after “Solar”.

AMENDMENT NO. 85 OFFERED BY MR. BOUSTANY

Page 507, after line 2, insert the following:
SEC. 1078. IMPLEMENTATION PLAN FOR WHOLE-OF-GOVERNMENT VISION PRESCRIBED IN THE NATIONAL SECURITY STRATEGY.

(a) IMPLEMENTATION PLAN.—Not later than 270 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees an implementation plan for achieving the whole-of-government integration vision prescribed in the President's National Security Strategy of May 2010. The implementation plan shall include—

(1) a description of ongoing and future actions planned to be taken by the President and the Executive agencies to implement organizational changes, programs, and any other efforts to achieve each component of

the whole-of-government vision prescribed in the National Security Strategy;

(2) a timeline for specific actions taken and planned to be taken by the President and the Executive agencies to implement each component of the whole-of-government vision prescribed in the National Security Strategy;

(3) an outline of specific actions desired or required by Congress to achieve each component of the whole-of-government vision prescribed in the National Security Strategy, including suggested timing and sequencing of actions proposed for Congress and the Executive agencies;

(4) any progress made and challenges or obstacles encountered in implementing each component of the whole-of-government vision prescribed in the National Security Strategy; and

(5) such other information as the President determines is necessary to understand progress in implementing each component of the whole-of-government vision prescribed in the National Security Strategy.

(b) ANNUAL UPDATES.—Not later than December 1 of each subsequent year, the President shall submit to the appropriate congressional committees an update of the implementation plan required under subsection (a). Each such update shall include an explanation of—

(1) progress made in achieving each organizational goal; and

(2) modifications necessary to the implementation plan.

(c) DEFINITIONS.—In this section:

(1) The term “appropriate congressional committees” means—

(A) the congressional defense committees;

(B) the Committee on Foreign Relations, Select Committee on Intelligence, Committee on Homeland Security and Government Affairs, Committee on the Budget, Committee on the Judiciary, and Committee on Appropriations in the Senate; and

(C) the Committee on Foreign Affairs, Permanent Select Committee on Intelligence, Committee on Homeland Security, Committee on the Budget, Committee on the Judiciary, Committee on Oversight and Government Reform, and Committee on Appropriations in the House of Representatives.

(2) The term “Executive agency” has the meaning given that term by section 105 of title 5, United States Code.

AMENDMENT NO. 86 OFFERED BY MR. CARNAHAN

Page 612, after line 11, insert the following:

(c) LIMITATION.—Notwithstanding any other provision of this section, 25 percent of the funds made available to the Department of Defense for the Afghanistan Security Forces Fund for fiscal year 2012 may not be used to carry out contracts unless the Secretary of Defense certifies to Congress that the Department of Defense has sufficient management and oversight mechanisms on such contracts.

AMENDMENT NO. 87 OFFERED BY MR. COFFMAN OF COLORADO

At the end of subtitle G of title X, add the following new section:

SEC. 1078. REPORT ON A DEPARTMENT OF DEFENSE RECYCLING PROGRAM FOR RARE EARTH MATERIALS.

(a) REQUIREMENT FOR REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prepare and submit to the congressional defense committees a report on the feasibility and desirability of recycling, recovering, and reprocessing rare earth elements, including fluorescent lighting in Department of Defense facilities and neodymium iron boron magnets used in weapon systems and commercial off-the-shelf items such as computer hard drives.

(b) REPORT.—The report required in subsection (a) shall contain, at minimum, the following information:

(1) AMOUNT AND FORM OF CERTAIN MATERIALS.—The amount and form of fluorescent lighting materials containing rare earth phosphors, such as terbium, europium, and yttrium, and the amount of neodymium iron boron magnets containing neodymium and dysprosium, currently being disposed of by or on behalf of the Department of Defense.

(2) ESTIMATE OF AMOUNTS.—An estimate of the amount of rare earth phosphors contained in such lighting materials and rare earth metal, alloy, and magnet material that is potentially available for recycling but is not currently recovered, using data from the most recent year for which a reasonable estimate can be made.

(3) FEASIBILITY OF RECOVERY.—The feasibility and desirability of recovering such rare earth phosphors and magnet materials and making this material available for reprocessing back into separated rare earth elements or reused as rare earth magnet materials by private-sector entities.

(c) DEFINITION.—For purposes of this section, the term “rare earth” means any of the following chemical elements in any of their physical forms or chemical combinations:

- (1) Scandium.
- (2) Yttrium.
- (3) Lanthanum.
- (4) Cerium.
- (5) Praseodymium.
- (6) Neodymium.
- (7) Promethium.
- (8) Samarium.
- (9) Europium.
- (10) Gadolinium.
- (11) Terbium.
- (12) Dysprosium.
- (13) Holmium.
- (14) Erbium.
- (15) Thulium.
- (16) Ytterbium.
- (17) Lutetium.

AMENDMENT NO. 88 OFFERED BY MR. COFFMAN OF COLORADO

Page 203, after line 12, insert the following:
SEC. 547. REPORT ON TUITION ASSISTANCE PROGRAM FOR OFF-DUTY TRAINING OR EDUCATION.

Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on methods to increase the efficiency of the tuition assistance program under section 2007 of title 10, United States Code. Such report shall include—

(1) a description of the effect of the program on recruiting and retention within the Armed Forces;

(2) an analysis of other programs that provide benefits similar to those provided through the program, including the use of educational assistance programs under chapters 30 and 33 of title 38, United States Code, for education and training pursued by members of the Armed Forces serving on active duty while they are off-duty; and

(3) a description of the effects of modifying the program to require members of the Armed Forces participating in the program to pay for 25 percent of their education expenses and the Secretary concerned to pay the remaining 75 percent of such expenses.

AMENDMENT NO. 90 OFFERED BY MR. CONNOLLY OF VIRGINIA

At the end of subtitle F of title XXVIII add the following new section:

SEC. 2864. REPORT ON THE HOMEOWNERS ASSISTANCE PROGRAM.

Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to Congress a report on

the Homeowners Assistance Program under the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374). The report shall include the following:

(1) The estimated cost if eligibility were expanded to include permanent change of station applicants who purchased a home after July 1, 2006, and before July 1, 2008.

(2) The estimated cost if eligibility were expanded to include members of the Armed Forces under paragraph (1) and permanent change of station applicants who received permanent change of station orders after September 30, 2010, and before September 30, 2011.

(3) The estimated number of members of the Armed Forces who received permanent change of station orders after September 30, 2010, and before September 30, 2011, and who suffered a decline of at least a 10 percent in home value from the date of purchase to the date of sale.

AMENDMENT NO. 91 OFFERED BY MR. CONNOLLY OF VIRGINIA

At the end of title VIII, add the following new section:

SEC. 8. ACQUISITION WORKFORCE IMPROVEMENTS.

(a) WORKFORCE IMPROVEMENTS.—Section 1704(b) of title 41, United States Code, is amended—

(1) by inserting after the first sentence the following: “The Associate Administrator shall be chosen on the basis of demonstrated knowledge and expertise in acquisition, human capital, and management.”;

(2) by striking “The Associate Administrator for Acquisition Workforce Programs shall be located in the Federal Acquisition Institute (or its successor)” and inserting “The Associate Administrator shall be located in the Office of Federal Procurement Policy.”;

(3) in paragraph (4), by striking “; and” and inserting a semicolon;

(4) by redesignating paragraph (5) as paragraph (6); and

(5) by inserting after paragraph (4) the following new paragraph:

“(5) implementing workforce programs under subsections (f) through (k) of section 1703 of this title; and”.

(b) FEDERAL ACQUISITION INSTITUTE.—

(1) IN GENERAL.—Division B of title 41, United States Code, is amended by inserting after chapter 11 the following new chapter:

“CHAPTER 12—FEDERAL ACQUISITION INSTITUTE

“Sec. “1201. Federal Acquisition Institute.

“§ 1201. Federal Acquisition Institute

“(a) IN GENERAL.—There is established a Federal Acquisition Institute (FAI) in order to—

“(1) foster and promote the development of a professional acquisition workforce Government-wide;

“(2) promote and coordinate Government-wide research and studies to improve the procurement process and the laws, policies, methods, regulations, procedures, and forms relating to acquisition by the executive agencies;

“(3) collect data and analyze acquisition workforce data from the Office of Personnel Management, the heads of executive agencies, and, through periodic surveys, from individual employees;

“(4) periodically analyze acquisition career fields to identify critical competencies, duties, tasks, and related academic prerequisites, skills, and knowledge;

“(5) coordinate and assist agencies in identifying and recruiting highly qualified candidates for acquisition fields;

“(6) develop instructional materials for acquisition personnel in coordination with pri-

vate and public acquisition colleges and training facilities;

“(7) evaluate the effectiveness of training and career development programs for acquisition personnel;

“(8) promote the establishment and utilization of academic programs by colleges and universities in acquisition fields;

“(9) facilitate, to the extent requested by agencies, interagency intern and training programs; and

“(10) perform other career management or research functions as directed by the Administrator.

“(b) BUDGET RESOURCES AND AUTHORITY.—

“(1) IN GENERAL.—The Director of the Office of Management and Budget and the Administrator of General Services shall provide the Federal Acquisition Institute with the necessary budget resources and authority to support government-wide training standards and certification requirements necessary to enhance the mobility and career opportunities of the Federal acquisition workforce.

“(2) ACQUISITION WORKFORCE TRAINING FUND.—Subject to the availability of funds, the Administrator of General Services shall provide the Federal Acquisition Institute with amounts from the acquisition workforce training fund established under section 1703(i) of this title sufficient to meet the annual budget for the Federal Acquisition Institute requested by the Administrator for Federal Procurement Policy.

“(c) FEDERAL ACQUISITION INSTITUTE BOARD OF DIRECTORS.—

“(1) REPORTING TO ADMINISTRATOR.—The Federal Acquisition Institute shall report through its Board of Directors directly to the Administrator for Federal Procurement Policy.

“(2) COMPOSITION.—The Board shall be composed of not more than 8 individuals from the Federal Government representing a mix of acquisition functional areas, all of whom shall be appointed by the Administrator.

“(3) DUTIES.—The Board shall provide general direction to the Federal Acquisition Institute to ensure that the Institute—

“(A) meets its statutory requirements;

“(B) meets the needs of the Federal acquisition workforce;

“(C) implements appropriate programs;

“(D) coordinates with appropriate organizations and groups that have an impact on the Federal acquisition workforce;

“(E) develops and implements plans to meet future challenges of the Federal acquisition workforce; and

“(F) works closely with the Defense Acquisition University.

“(4) RECOMMENDATIONS.—The Board shall make recommendations to the Administrator regarding the development and execution of the annual budget of the Federal Acquisition Institute.

“(d) DIRECTOR.—The Director of the Federal Acquisition Institute shall be appointed by, and report directly to, the Administrator.

“(e) ANNUAL REPORT.—The Administrator shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate and the Committee on Oversight and Government Reform and the Committee on Appropriations of the House of Representatives an annual report on the projected budget needs and expense plans of the Federal Acquisition Institute to fulfill its mandate.”.

(2) CONFORMING AMENDMENT.—Section 1122(a)(5) of such title is amended to read as follows:

“(5) providing for and directing the activities of the Federal Acquisition Institute established under section 1201 of this title, including recommending to the Administrator

of General Services a sufficient budget for such activities.”.

(c) GOVERNMENT-WIDE TRAINING STANDARDS AND CERTIFICATION.—Section 1703 of title 41, United States Code, is amended—

(1) in subsection (c)(2)—

(A) by striking “The Administrator shall” and inserting the following:

“(A) IN GENERAL.—The Administrator shall”; and

(B) by adding at the end the following:

“(B) GOVERNMENT-WIDE TRAINING STANDARDS AND CERTIFICATION.—The Administrator, acting through the Federal Acquisition Institute, shall provide and update government-wide training standards and certification requirements, including—

“(i) developing and modifying acquisition certification programs;

“(ii) ensuring quality assurance for agency implementation of government-wide training and certification standards;

“(iii) analyzing the acquisition training curriculum to ascertain if all certification competencies are covered or if adjustments are necessary;

“(iv) developing career path information for certified professionals to encourage retention in government positions;

“(v) coordinating with the Office of Personnel Management for human capital efforts; and

“(vi) managing rotation assignments to support opportunities to apply skills included in certification.”; and

(2) by adding at the end the following new subsection:

“(1) ACQUISITION INTERNSHIP AND TRAINING PROGRAMS.—All Federal civilian agency acquisition internship or acquisition training programs shall follow guidelines provided by the Office of Federal Procurement Policy to ensure consistent training standards necessary to develop uniform core competencies throughout the Federal Government.”.

(d) EXPANDED SCOPE OF ACQUISITION WORKFORCE TRAINING FUND.—Section 1703(i) of such title is amended—

(1) in paragraph (2), by striking “to support the training of the acquisition workforce of the executive agencies” and inserting “to support the activities set forth in section 1201(a) of this title”; and

(2) in paragraph (6), by striking “ensure that amounts collected for training under this subsection are not used for a purpose other than the purpose specified in paragraph (2)” and inserting “ensure that amounts collected under this section are not used for a purpose other than the activities set forth in section 1201(a) of this title”.

(e) RULE OF CONSTRUCTION.—Nothing in this section, or the amendments made by this section, shall be construed to preclude the Secretary of Defense from establishing acquisition workforce policies, procedures, training standards, and certification requirements for acquisition positions in the Department of Defense, as provided in chapter 87 of title 10, United States Code.

AMENDMENT NO. 92 OFFERED BY MR. CONNOLLY OF VIRGINIA

At the end of title XI, add the following new section:

SEC. 11. FEDERAL INTERNSHIP PROGRAMS.

(a) IN GENERAL.—Subchapter I of chapter 31 of title 5, United States Code, is amended by inserting after section 3111 the following:

“§ 3111a. Federal internship programs

“(a) INTERNSHIP COORDINATOR.—The head of each agency operating an internship program shall appoint an individual within such agency to serve as an internship coordinator.

“(b) ONLINE INFORMATION.—

“(1) AGENCIES.—The Office of Personnel Management shall make publicly available on the Internet—

“(A) the name and contact information of the internship coordinator for each agency; and

“(B) information regarding application procedures and deadlines for each internship program.

“(2) OFFICE OF PERSONNEL MANAGEMENT.—The Office of Personnel Management shall make publicly available on the Internet links to the websites where the information described in paragraph (1) is displayed.

“(c) CENTRALIZED DATABASE.—The Office shall establish and maintain a centralized electronic database that contains the names, contact information, and relevant skills of individuals who have completed or are nearing completion of an internship program and are currently seeking full-time Federal employment.

“(d) EXIT INTERVIEW REQUIREMENT.—The agency operating an internship program shall conduct an exit interview, and administer a survey (which shall be in conformance with such guidelines or requirements as the Office shall establish to ensure uniformity across agencies), with each intern who completes such program.

“(e) REPORT.—

“(1) IN GENERAL.—The head of each agency operating an internship program shall annually submit to the Office a report assessing such internship program.

“(2) CONTENTS.—Each report required under paragraph (1) for an agency shall include, for the 1-year period ending on September 1 of the year in which the report is submitted—

“(A) the number of interns who participated in an internship program at such agency;

“(B) information regarding the demographic characteristics of interns at such agency, including educational background;

“(C) a description of the steps taken by such agency to increase the percentage of interns who are offered permanent Federal jobs and the percentage of interns who accept the offers of such jobs, and any barriers encountered;

“(D) a description of activities engaged in by such agency to recruit new interns, including locations and methods;

“(E) a description of the diversity of work roles offered within internship programs at such agency;

“(F) a description of the mentorship portion of such internship programs; and

“(G) a summary of exit interviews conducted and surveys administered by such agency with respect to interns upon their completion of an internship program at such agency.

“(3) SUBMISSION.—Each report required under paragraph (1) shall be submitted to the Office between September 1 and September 30 of each year. Not later than December 30 of each year, the Office shall submit to Congress a report summarizing the information submitted to the Office in accordance with paragraph (1) for such year.

“(f) DEFINITIONS.—For purposes of this section—

“(1) the term ‘internship program’ means—

“(A) a volunteer service program under section 3111(b);

“(B) the Student Educational Employment Program (hereinafter ‘SCEP’), as established under section 213.3202 of title 5 of the Code of Federal Regulations (as in effect on January 1, 2009); and

“(C) a program operated by a nongovernment organization for the purpose of providing paid internships in agencies pursuant to a written agreement comparable to an SCEP agreement under section 213.3202(b)(12) of title 5 of the Code of Federal Regulations (as in effect on January 1, 2009);

“(2) the term ‘intern’ means an individual participating in an internship program; and

“(3) the term ‘agency’ means an Executive agency.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 31 of title 5, United States Code, is amended by inserting after the item relating to section 3111 the following:

“3111a. Federal internship programs.”.

AMENDMENT NO. 93 OFFERED BY MR. CONNOLLY OF VIRGINIA

Page 46, after line 8, insert the following:
SEC. 147. PROCUREMENT OF TENTS OR OTHER TEMPORARY STRUCTURES.

(a) IN GENERAL.—In procuring tents or other temporary structures for use by the Armed Forces, and in establishing or maintaining an alternative source for such tents and structures, the Secretary of Defense shall award contracts that provide the best value to the United States. In determining the best value to the United States under this section, the Secretary shall consider the total life-cycle costs of such tents or structures, including the costs associated with any equipment or fuel needed to heat or cool such tents or structures.

(b) INTERAGENCY PROCUREMENT.—The requirements of this section shall apply to any agency or department of the United States that procures tents or other temporary structures on behalf of the Department of Defense.

AMENDMENT NO. 94 OFFERED BY MR. CARSON OF INDIANA

At the end of subtitle H of title V, add the following new section:

SEC. 5. MATTERS COVERED BY PRESEPARATION COUNSELING FOR MEMBERS OF THE ARMED FORCES AND THEIR SPOUSES.

Section 1142(b) of title 10, United States Code, is amended—

(1) in paragraph (5), by striking “job placement counseling for the spouse” and inserting “inclusion of the spouse, at the discretion of the member and the spouse, when counseling regarding the matters covered by paragraphs (9), (10), and (16) is provided, job placement counseling for the spouse, and the provision of information on survivor benefits available under the laws administered by the Secretary of Defense or the Secretary of Veterans Affairs”;

(2) in paragraph (9), by inserting before the period the following: “, including information on budgeting, saving, credit, loans, and taxes”;

(3) in paragraph (10), by striking “and employment” and inserting “, employment, and financial”;

(4) by striking paragraph (16) and inserting the following new paragraph:

“(16) Information on home loan services and housing assistance benefits available under the laws administered by the Secretary of Veterans Affairs and counseling on responsible borrowing practices.”; and

(5) in paragraph (17), by inserting before the period the following: “, and information regarding the means by which the member can receive additional counseling regarding the member’s actual entitlement to such benefits and apply for such benefits”.

AMENDMENT NO. 95 OFFERED BY MR. COURTNEY

At the end of subtitle E of title V, add the following new section:

SEC. 547. TROOPS-TO-TEACHERS PROGRAM.

(a) TRANSFER OF FUNCTIONS.—The responsibility and authority for operation and administration of the Troops-to-Teachers Program is transferred from the Secretary of Education to the Secretary of Defense.

(b) ENACTMENT AND MODIFICATION OF PROGRAM AUTHORITY IN TITLE 10, UNITED STATES CODE.—

(1) IN GENERAL.—Chapter 58 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 1154. Assistance to eligible members to obtain employment as teachers: Troops-to-Teachers Program

“(a) DEFINITIONS.—In this section:

“(1) PROGRAM.—The term ‘Program’ means the Troops-to-Teachers Program authorized by this section.

“(2) CHARTER SCHOOL.—The term ‘charter school’ has the meaning given that term in section 5210 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221i).

“(3) ADDITIONAL TERMS.—The terms ‘elementary school’, ‘highly qualified teacher’, ‘local educational agency’, ‘secondary school’, and ‘State’ have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

“(b) PROGRAM AUTHORIZATION.—The Secretary of Defense may carry out a program (to be known as the ‘Troops-to-Teachers Program’)—

“(1) to assist eligible members of the armed forces described in subsection (c) to obtain certification or licensing as elementary school teachers, secondary school teachers, or vocational or technical teachers, and to become highly qualified teachers; and

“(2) to facilitate the employment of such members—

“(A) by local educational agencies or public charter schools that the Secretary of Education identifies as—

“(i) receiving grants under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) as a result of having within their jurisdictions concentrations of children from low-income families;

“(ii) experiencing a shortage of highly qualified teachers, in particular a shortage of science, mathematics, special education, or vocational or technical teachers; or

“(iii) a Bureau-funded school (as such term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021)); and

“(B) in elementary schools or secondary schools, or as vocational or technical teachers.

“(c) ELIGIBILITY AND APPLICATION PROCESS.—

“(1) ELIGIBLE MEMBERS.—The following members of the armed forces are eligible for selection to participate in the Program:

“(A) Any member who—

“(i) on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2011, becomes entitled to retired or retainer pay under this title or title 14;

“(ii) has an approved date of retirement that is within one year after the date on which the member submits an application to participate in the Program; or

“(iii) transfers to the Retired Reserve.

“(B) Any member who, on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2011—

“(i) is separated or released from active duty after 4 or more years of continuous active duty immediately before the separation or release; or

“(ii) has completed a total of at least ten years of active duty service, 10 years of service computed under section 12732 of this title, or 10 years of any combination of such service; and

“(ii) executes a reserve commitment agreement for a period of not less than 3 years under paragraph (5)(B).

“(C) Any member who, on or after the date of the enactment of the National Defense

Authorization Act for Fiscal Year 2011, is retired or separated for physical disability under chapter 61 of this title.

“(2) SUBMITTAL OF APPLICATIONS.—(A) Selection of eligible members of the armed forces to participate in the Program shall be made on the basis of applications submitted to the Secretary. An application shall be in such form and contain such information as the Secretary may require.

“(B) An application may be considered to be submitted on a timely basis under subparagraph (A)(i), (B), or (C) of paragraph (1) if the application is submitted not later than 2 years after the date on which the member is retired or separated or released from active duty, whichever applies to the member.

“(3) SELECTION CRITERIA; EDUCATIONAL BACKGROUND REQUIREMENTS AND HONORABLE SERVICE REQUIREMENT.—(A) Subject to subparagraphs (B) and (C), the Secretary shall prescribe the criteria to be used to select eligible members of the armed forces to participate in the Program.

“(B)(i) If a member of the armed forces is applying for assistance for placement as an elementary school or secondary school teacher, the Secretary shall require the member to have received a baccalaureate or advanced degree from an accredited institution of higher education.

“(ii) If a member of the armed forces is applying for assistance for placement as a vocational or technical teacher, the Secretary shall require the member—

“(I) to have received the equivalent of one year of college from an accredited institution of higher education and have 3 or more years of military experience in a vocational or technical field; or

“(II) to otherwise meet the certification or licensing requirements for a vocational or technical teacher in the State in which the member seeks assistance for placement under the Program.

“(C) A member of the armed forces is eligible to participate in the Program only if the member's last period of service in the armed forces was honorable, as characterized by the Secretary concerned. A member selected to participate in the Program before the retirement of the member or the separation or release of the member from active duty may continue to participate in the Program after the retirement, separation, or release only if the member's last period of service is characterized as honorable by the Secretary concerned.

“(4) SELECTION PRIORITIES.—In selecting eligible members of the armed forces to receive assistance under the Program, the Secretary shall give priority to members who—

“(A) have educational or military experience in science, mathematics, special education, or vocational or technical subjects; and

“(B) agree to seek employment as science, mathematics, or special education teachers in elementary schools or secondary schools or in other schools under the jurisdiction of a local educational agency.

“(5) OTHER CONDITIONS ON SELECTION.—(A) The Secretary may not select an eligible member of the armed forces to participate in the Program and receive financial assistance unless the Secretary has sufficient appropriations for the Program available at the time of the selection to satisfy the obligations to be incurred by the United States under subsection (d) with respect to the member.

“(B) The Secretary may not select an eligible member of the armed forces described in paragraph (1)(B)(i) to participate in the Program under this section and receive financial assistance under subsection (d) unless the member executes a written agreement to serve as a member of the Selected Reserve of

a reserve component of the armed forces for a period of not less than 3 years (in addition to any other reserve commitment the member may have).

“(d) PARTICIPATION AGREEMENT AND FINANCIAL ASSISTANCE.—

“(1) PARTICIPATION AGREEMENT.—(A) An eligible member of the armed forces selected to participate in the Program under subsection (c) and receive financial assistance under this subsection shall be required to enter into an agreement with the Secretary in which the member agrees—

“(i) within such time as the Secretary may require, to obtain certification or licensing as an elementary school teacher, secondary school teacher, or vocational or technical teacher, and to become a highly qualified teacher; and

“(ii) to accept an offer of full-time employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher for not less than three school years with a local educational agency receiving grants under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.), a Bureau-funded school (as such term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 11 2021)), or a public charter school.

“(B) The Secretary may waive the three-year commitment described in subparagraph (A)(ii) for a participant if the Secretary determines the waiver to be appropriate. If the Secretary provides the waiver, the participant shall not be considered to be in violation of the agreement and shall not be required to provide reimbursement under subsection (e), for failure to meet the three-year commitment.

“(2) VIOLATION OF PARTICIPATION AGREEMENT; EXCEPTIONS.—A participant in the Program shall not be considered to be in violation of the participation agreement entered into under paragraph (1) during any period in which the participant—

“(A) is pursuing a full-time course of study related to the field of teaching at an institution of higher education;

“(B) is serving on active duty as a member of the armed forces;

“(C) is temporarily totally disabled for a period of time not to exceed 3 years as established by sworn affidavit of a qualified physician;

“(D) is unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse who is disabled;

“(E) is a highly qualified teacher who is seeking and unable to find full-time employment as a teacher in an elementary school or secondary school or as a vocational or technical teacher for a single period not to exceed 27 months; or

“(F) satisfies such other criteria as may be prescribed by the Secretary.

“(3) STIPEND FOR PARTICIPANTS.—(A) Subject to subparagraph (B), the Secretary may pay to a participant in the Program selected under this section a stipend in an amount of not more than \$5,000.

“(B) The total number of stipends that may be paid under subparagraph (A) in any fiscal year may not exceed 5,000.

“(4) BONUS FOR PARTICIPANTS.—(A) Subject to subparagraph (B), the Secretary may, in lieu of paying a stipend under paragraph (3), pay a bonus of \$10,000 to a participant in the Program selected under this section who agrees in the participation agreement under paragraph (1) to become a highly qualified teacher and to accept full-time employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher for not less than 3 school years in a high-need school.

“(B) The total number of bonuses that may be paid under subparagraph (A) in any fiscal year may not exceed 3,000.

“(C) For purposes of subparagraph (A), the term ‘high-need school’ means a public elementary school, public secondary school, or public charter school that meets one or more of the following criteria:

“(i) At least 50 percent of the students enrolled in the school were from low-income families (as described in subsection (b)(2)(A)(i)).

“(ii) The school has a large percentage of students who qualify for assistance under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

“(5) TREATMENT OF STIPEND AND BONUS.—A stipend or bonus paid under this subsection to a participant in the Program shall be taken into account in determining the eligibility of the participant for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

“(e) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—

“(1) REIMBURSEMENT REQUIRED.—A participant in the Program who is paid a stipend or bonus under subsection (d) shall be required to repay the stipend or bonus under the following circumstances:

“(A) The participant fails to obtain teacher certification or licensing, to become a highly qualified teacher, or to obtain employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher as required by the participation agreement under subsection (d)(1).

“(B) The participant voluntarily leaves, or is terminated for cause from, employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher during the 3 years of required service in violation of the participation agreement.

“(C) The participant executed a written agreement with the Secretary concerned under subsection (c)(5)(B) to serve as a member of a reserve component of the armed forces for a period of 3 years and fails to complete the required term of service.

“(2) AMOUNT OF REIMBURSEMENT.—A participant required to reimburse the Secretary for a stipend or bonus paid to the participant under subsection (d) shall pay an amount that bears the same ratio to the amount of the stipend or bonus as the unserved portion of required service bears to the three years of required service. Any amount owed by the participant shall bear interest at the rate equal to the highest rate being paid by the United States on the day on which the reimbursement is determined to be due for securities having maturities of 90 days or less and shall accrue from the day on which the participant is first notified of the amount due.

“(3) TREATMENT OF OBLIGATION.—The obligation to reimburse the Secretary under this subsection is, for all purposes, a debt owing the United States. A discharge in bankruptcy under title 11 shall not release a participant from the obligation to reimburse the Secretary under this subsection.

“(4) EXCEPTIONS TO REIMBURSEMENT REQUIREMENT.—A participant shall be excused from reimbursement under this subsection if the participant becomes permanently totally disabled as established by sworn affidavit of a qualified physician. The Secretary may also waive the reimbursement in cases of extreme hardship to the participant, as determined by the Secretary.

“(f) RELATIONSHIP TO EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.—The receipt by a participant in the Program of a stipend or bonus under this subsection (d) shall not reduce or otherwise affect the entitlement of the participant to any benefits

under chapter 30 or 33 of title 38 or chapter 1606 of this title.

“(g) PARTICIPATION BY STATES.—

“(1) DISCHARGE OF STATE ACTIVITIES THROUGH CONSORTIA OF STATES.—The Secretary may permit States participating in the Program to carry out activities authorized for such States under the Program through one or more consortia of such States.

“(2) ASSISTANCE TO STATES.—(A) Subject to subparagraph (B), the Secretary may make grants to States participating in the Program, or to consortia of such States, in order to permit such States or consortia of States to operate offices for purposes of recruiting eligible members of the armed forces for participation in the Program and facilitating the employment of participants in the Program as elementary school teachers, secondary school teachers, and vocational or technical teachers.

“(B) The total amount of grants made under subparagraph (A) in any fiscal year may not exceed \$5,000,000.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 58 of such title is amended by adding at the end the following new item:

“1154. Assistance to eligible members to obtain employment as teachers: Troops-to-Teachers Program.”

(3) CONFORMING AMENDMENT.—Section 1142(b) (4)(C) of such title is amended by striking “under sections 1152 and 1153 of this title and the Troops-to-Teachers Program under section 2302 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672)” and inserting “under sections 1152, 1153, and 1154 of this title”.

(4) TERMINATION OF ORIGINAL PROGRAM.—

(A) TERMINATION.—

(i) Chapter A of subpart 1 of part C of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.) is repealed.

(ii) The table of contents in section 2 of part I of the Elementary and Secondary Education Act 1965 is amended by striking the items relating to chapter A of subpart 1 of part C of such Act.

(B) EXISTING AGREEMENTS.—The repeal of such chapter shall not affect the validity or terms of any agreement entered into before the date of the enactment of this Act under chapter A of subpart 1 of part C of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.), or to pay assistance, make grants, or obtain reimbursement in connection with such an agreement as in effect before such repeal.

(c) ADVISORY BOARD.—

(1) ESTABLISHMENT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Education, shall establish an Advisory Board composed of—

(A) a representative from the Defense Activity for Non-Traditional Education Support Division of the Department of Defense;

(B) a representative from the Department of Innovation and Improvement of the Department of Education;

(C) a representatives from three State offices that operate to recruit eligible members of the Armed Forces for participation in the Troops-to-Teachers Program and facilitating the employment of participants in the Program as elementary school teachers, secondary school teachers, and vocational or technical teachers; and

(D) a representative from each of three veteran service organizations.

(2) DUTIES.—The Advisory Board established under this subsection shall—

(A) collect, consider, and disseminate feedback from participants and State offices described in paragraph (1)(C) on—

(i) the best practices for improving recruitment of eligible members of the Armed Forces in States, local educational agencies, and public charter schools under served by the Troops-to-Teachers Program;

(ii) ensuring that high-need local educational agencies and public charter schools are aware of the Program and how to participate in it;

(iii) coordinating the goals of the Program with other Federal, State, and local education needs and programs; and

(iv) other activities that the Advisory Board deems necessary; and

(B) not later than one year after the date of the enactment of this Act, and annually thereafter, prepare and submit a report to the appropriate committees of Congress, which shall include—

(i) information with respect to the activities of the Advisory Board;

(ii) information with respect to the Troops-to-Teachers Program, including—

(I) the number of participants in the Program;

(II) the number of States participating in the Program;

(III) local educational agencies and schools in where participants are employed;

(IV) the grade levels at which participants teach;

(V) the academic subjects taught by participants;

(VI) rates of retention of participants by the local educational agencies and public charter schools employing participant;

(VII) other demographic information as may be necessary to evaluate the effectiveness of the Program; and

(VIII) a review of the stipend and bonus available to participants under the Program; and

(iii) recommendations for—

(I) improvements to local, State, and Federal recruitment and retention efforts;

(II) legislative or executive policy changes to improve the Program, enhance participant experience, and increase participation in the program; and

(III) other changes necessary to ensure that the Program is meeting its purposes.

(d) DEFINITIONS.—In this section

(1) The term “appropriate committees of Congress” means—

(A) the Committees on Armed Services and Health, Education, Labor, and Pensions of the Senate; and

(B) the Committees on Armed Services and Education and Labor of the House of Representatives.

(2) The term “Troops-to-Teachers Program” means the Troops-to-Teachers Program under section 1154 of title 10, United States Code (as added by subsection (b)), as authorized before October 1, 2011, by chapter A of subpart 1 of part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.).

(e) EFFECTIVE DATE.—Subsection (a) and the amendments made by subsection (b) shall take effect on October 1, 2011.

AMENDMENT NO. 97 OFFERED BY MR. DENT

Page 46, after line 18, insert the following:

SEC. 147. STUDY ON DOMESTIC CAPACITY FOR MANUFACTURE OF SHIP SHAFTS AND OTHER FORGED COMPONENTS.

The Secretary of Defense shall conduct a study to measure the domestic capacity in accordance with the Defense Acquisition Regulations System to manufacture ship shafts and other forged components used by surface and sub-surface vessels of the Navy.

AMENDMENT NO. 101 OFFERED BY MR. ELLISON

At the end of subtitle B of title XII of division A of the bill, add the following:

SEC. 12xx. REPORT ON UNITED STATES MILITARY STRATEGY IN AFGHANISTAN IN LIGHT OF THE DEATH OF OSAMA BIN LADEN.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the United States military strategy in Afghanistan, including the extent to which the strategy has changed or is anticipated to change in light of the death of Osama bin Laden.

(b) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex if necessary.

AMENDMENT NO. 102 OFFERED BY MR. FLAKE

At the end of title X, add the following new section:

SEC. 1099C. REQUIREMENT THAT WRITTEN COMMUNICATIONS FROM CONGRESS BE MADE PUBLIC BY DEPARTMENT OF DEFENSE.

Any written communication from Congress, including a committee of the Senate or the House of Representatives, a member of Congress, an officer of Congress, or a congressional staff member, recommending that funds be committed, obligated, or expended on any project within a program element set forth in the funding tables in division D of this Act shall be made publicly available on the Internet by the receiving entity of the Department of Defense, not later than 30 days after receipt of such communication.

AMENDMENT NO. 103 OFFERED BY MR. FLAKE

Page 708, after line 12, insert the following:

SEC. 1699F-1. REPORTS ON INCREASED BUDGET ITEMS.

(a) REPORTS.—

(1) IN GENERAL.—For each program described in subsection (b), the Secretary of Defense shall submit to the congressional defense committees a report containing—

(A) a justification of the use of the total amount appropriated for the program for fiscal year 2012; and

(B) the process by which such amounts were awarded.

(2) SUBMISSION.—The Secretary shall submit each report under paragraph (1) by not later than the date that is 180 days after the date on which the funds for the program for fiscal year 2012 have been allocated.

(b) PROGRAM DESCRIBED.—A program described in this subsection is a program element funded—

(1) with amounts authorized to be appropriated by section 201; and

(2) in an amount that is more than the amount requested by the President in the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012.

AMENDMENT NO. 104 OFFERED BY MR. FRANKS OF ARIZONA

At the end of title XXVIII, add the following new section:

SEC. 28 . . . TRANSFER OF THE AIR FORCE MEMORIAL TO THE DEPARTMENT OF THE AIR FORCE.

(a) TRANSFER OF MEMORIAL TO SECRETARY OF THE AIR FORCE.—Administrative jurisdiction, custody, and control of the Air Force Memorial (as defined in section 9784(d) of title 10, United States Code, as added by subsection (b)) is hereby transferred to the Secretary of the Air Force.

(b) OPERATION, MAINTENANCE, AND MANAGEMENT OF MEMORIAL.—

(1) AUTHORITY OF SECRETARY OF THE AIR FORCE.—Chapter 949 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 9784. Air Force Memorial

“(a) RESPONSIBILITY.—The Secretary of the Air Force has jurisdiction, custody, and control of the Air Force Memorial and is responsible for the operation, maintenance, and management of the Memorial.

“(b) COOPERATIVE AGREEMENT FOR OPERATION AND MAINTENANCE OF THE MEMORIAL.—The Secretary of the Air Force may enter into a cooperative agreement with the Air Force Memorial Foundation or any other suitable entity to assist with the operation and maintenance of the Air Force Memorial.

“(c) DISPOSITION OF CONTRIBUTIONS.—Any contribution made for the purpose of assisting in the operation and maintenance of the Air Force Memorial that is deposited into the Department of the Air Force General Gift Fund pursuant to section 2601 of this title shall be available only for the purpose of the operation and maintenance of the Air Force Memorial.

“(d) DEFINITION.—In this section, the term ‘Air Force Memorial’ means the memorial established pursuant to Public Law 103–163 to honor the men and women who have served in the United States Air Force and its predecessor organizations and that area of land occupied by that memorial, along with any facilities constructed thereon, and consisting of approximately three acres in Arlington, Virginia, made available by the Secretary of Defense for use as the location of the Air Force Memorial pursuant to section 2863(b)(1) of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1330).”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“9784. Air Force Memorial.”.

(c) REPEAL.—Section 2872 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 562) is repealed.

AMENDMENT NO. 105 OFFERED BY MR.

GARAMENDI

Page 835, after line 10, insert the following:

SEC. 3125. NATIONAL ACADEMY OF SCIENCES REVIEW OF NUCLEAR WASTE REPROCESSING AND NUCLEAR REACTOR TECHNOLOGY.

(a) STUDY.—Not later than 60 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall enter into an agreement with the National Academy of Sciences to conduct a study on waste reprocessing and Generation IV nuclear reactor technology.

(b) ELEMENTS.—The study required under subsection (a) shall include—

(1) a review of previous studies related to the subject of nuclear waste reprocessing as a point of reference;

(2) a determination of the feasibility of using nuclear reactor technology, particularly proven Generation IV nuclear reactor technology, created at the national labs at a site charged with meeting international agreements to dispose or decommission nuclear weapons which has substantial legacy waste in order to reprocess and reuse the materials in a proliferation-resistant process that will generate electricity;

(3) a determination of the resulting waste streams;

(4) an analysis of the nuclear proliferation risks, including effects on the nuclear non-proliferation efforts of the United States;

(5) a comparison to nuclear waste reprocessing technologies used in other countries and a comparison to the direct disposal of nuclear waste; and

(6) a detailed analysis of the feasibility of large-scale deployment of such technology at military installations.

(c) REPORTS.—

(1) NNSA.—The National Academy of Sciences shall submit to the Administrator for Nuclear Security a report containing the results of the study and any recommendations resulting from the study.

(2) CONGRESS.—Not later than 18 months after the date on which the contract is awarded under subsection (a), the Administrator for Nuclear Security shall submit to the appropriate congressional committees the report submitted under paragraph (1) and any comments or recommendations of the Administrator with respect to the report.

(3) FORM.—The report under paragraph (2) shall be submitted to the appropriate congressional committees in unclassified form, but may include a classified annex.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term “appropriate congressional committees” means the following:

(A) The Committee on Armed Services, the Committee on Energy and Commerce, and the Committee on Foreign Affairs of the House of Representatives.

(B) The Committee on Armed Services, the Committee on Energy and Natural Resources, and the Committee on Foreign Relations of the Senate.

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from California (Mr. MCKEON) and the gentleman from Washington (Mr. SMITH) each will control 10 minutes.

The Chair recognizes the gentleman from California.

Mr. MCKEON. Mr. Chairman, I urge the committee to adopt the amendments en bloc, all of which have been examined by both the majority and the minority.

At this time I yield 2 minutes to the gentleman from Alaska (Mr. YOUNG) for the purpose of a colloquy.

Mr. YOUNG of Alaska. I thank the gentleman for yielding. I rise to express my concerns about our strategic ports. First, I want to thank the chairman and the ranking member, Mr. SMITH, and members of the Armed Services Committee for supporting an amendment that I offered with Ms. BORDALLO that would direct specific study and analysis of critical infrastructure needs at our Nation’s DOD-designated strategic seaports. I think the chairman would agree that understanding and addressing vital infrastructure needs at our strategic seaports is of major importance.

Mr. MCKEON. Will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from California.

Mr. MCKEON. I do agree that assessing and correcting infrastructure problems at the Nation’s strategic seaports, which are an integral part of our national defense readiness, is of vital importance.

Mr. YOUNG of Alaska. I thank the gentleman.

Since 1958, the strategic seaport program has facilitated the movement of military forces securely through U.S. ports. Each strategic seaport has individual capabilities that provide the Department of Defense with the port facilities and services that are critical in maintaining the operational flexibility

and redundancy needed to meet a wide range of national security missions and timelines.

However, the existing infrastructure at many of the strategic ports may no longer be adequate to meet the needs of our military. Language included in the bill will help us identify the infrastructure improvements necessary to ensure our strategic ports remain accessible to our military, as well as determine whether existing authorities and funding sources are adequate to facilitate making the necessary infrastructure improvements.

This study is an important first step. I look forward to working with the Armed Services Committee on ways to improve our strategic ports to guarantee that they remain capable of supporting our military’s operational needs.

Mr. MCKEON. As the gentleman knows, this committee has had a long-standing interest in our strategic ports, and I will be happy to work with the gentleman from Alaska and the gentlewoman from Guam to consider the appropriate measures to address the critical infrastructure needs of our strategic seaports.

Mr. YOUNG of Alaska. Thank you, sir. I appreciate it.

Mr. SMITH of Washington. Mr. Chairman, I yield 1 minute to the gentlelady from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the ranking member. I rise to support the en bloc amendments and to add my understanding and support for the McGovern-Jones and a number of other Members’ amendments.

Let me first make it clear that this is a bipartisan amendment, and there was a great deal of collaboration and sensitivity to formulating a structure that would be respectful of the men and women who serve us today. But I rise to support this amendment because I can clearly see the human and financial costs which have been so high—\$10 billion a month, which in this climate where we are addressing franchise terrorism, where individuals can rise up and do harm to the United States at any time, it is time now to plan a time frame for accelerated transition for our troops to come home from Afghanistan, to find a political solution with diplomacy, to be able to deal with al Qaeda in a manner that will allow—

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. SMITH of Washington. I yield the gentlewoman 30 additional seconds.

Ms. JACKSON LEE of Texas. This amendment does not stop the reassessing of how al Qaeda is now functioning with its titular head, its inspirational head no longer, and whether or not the remaining members of al Qaeda will seep and spread into other places where we have to address this question, and, of course, the amendment does not limit existing authority on ongoing al Qaeda efforts by sharing intelligence or changing military

strategy, tactics or operations on the ground in Afghanistan. This amendment helps to bring our troops home. Remember Pakistan, how we have to work with them and try to help the Pakistan people, we need to focus broadly to help secure the homeland.

This is an important amendment. I support the en bloc amendment, and I support the McGovern amendment. Let us find a way to bring our troops home.

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Mr. McKEON. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. COFFMAN), my friend and colleague.

Mr. COFFMAN of Colorado. Thank you, Mr. Chairman.

I rise today in support of H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012. I would like to thank the chairman and the ranking member for their leadership on this committee and in particular their support for the issues I have been pursuing.

Including in this en bloc package are two amendments of mine, which I wanted to speak on briefly.

Amendment 48 requires the Secretary of Defense to submit a report to the Congress on the feasibility of recycling rare earth elements used by the Department. This amendment, along with a provision in the chairman's mark requiring a Rare Earth Inventory Plan, are important steps in reconstituting the Nation's ability to access secure, reliable, and competitive market for rare earth products used to support our national security.

I have been particularly troubled by reports from the Department of Defense indicating that they are not concerned about our Nation's near total reliance on China for access to these critical materials. Last September's rare earth embargo of Japan by the Chinese should serve as an important reminder that this dependence leaves our military vulnerable to supply disruptions should a foreign nation choose to take advantage of its dominance in the market.

Our nation does not need to accept this dependence. With ample reserves in the United States, including Alaska, Colorado and California, we have the potential to meet our own demand for these materials, but steps must be taken in Congress to level the playing field in this market.

This amendment will require the Department of Defense to examine the feasibility of recycling rare earth materials that are currently disposed of. This is not only good stewardship, it is an important part of a complete plan to reconstitute our domestic rare earth industry and to meet our national security needs.

I have also introduced an amendment that will pave the way for meaningful reform of the Department of Defense Tuition Assistance program. This is an excellent program that provides educational opportunities to our service-

members. When I was a young enlisted infantryman in the Army, I took advantage of this program.

The Acting CHAIR. The time of the gentleman has expired.

Mr. McKEON. I yield the gentleman an additional minute.

Mr. COFFMAN of Colorado. When I was a young enlisted infantryman in the Army, I took advantage of this program to begin my own college education, but it has room to be perfected.

A change in cost sharing has caused funding for the Tuition Assistance program to increase from \$157 million in FY 2001 to \$531 million in FY 2010. Cost per credit hour of distance education, for instance, has risen dramatically since 2001. The services have had to deny tuition assistance benefits to some servicemembers because of the growing cost of this program.

My amendment calls for a study by the Department of Defense on ways to reform this program, including reinstating the 25/75 percent cost share. I believe that with "skin in the game" servicemembers will have incentives for high academic performance and that more servicemembers will be eligible for tuition assistance benefits.

I urge my colleagues to support H.R. 1540.

Mr. SMITH of Washington. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. I particularly want to thank Chairman McKEON and Ranking Member SMITH for their wonderful cooperation in putting together this en bloc set of amendments.

Mr. Chairman, I want to just highlight several with which I am associated.

Amendment 93, cosponsored by Mr. BLUMENAUER, Mr. HINCHEY, Mr. WELCH, and Mrs. CAPPS, will reduce fuel convoy deaths in Iraq and Afghanistan. Mr. Chairman, we have lost 3,000 lives trying to protect fuel convoys in those two countries. So we can actually save money and save lives with this amendment.

Amendment 91, cosponsored by Mr. PLATTS of Pennsylvania, improves the Federal Acquisition Institute. This is legislation also introduced by our Republican friend in the U.S. Senate, SUSAN COLLINS, and it has bipartisan support, makes the Federal Government a lot more efficient and will not build new bureaucracy or add expenses.

Amendment 92, cosponsored by Mr. BILBRAY of California, will actually try to systemize and make more effective the internship programs in the Federal Government so that we are taking advantage of those opportunities and making sure they also serve a better purpose for interns who sign up with the Federal Government.

Amendment No. 90, cosponsored by Mr. KISSELL, directs the Pentagon to report to Congress on the estimated cost of expanding the Homeowners Assistance Program. A lot of our active duty military, when they are called up

or transferred, find themselves in enormous distress given the housing crisis. This amendment will help them and their families by extending their ability to try to manage that situation.

Mr. Chairman, I very much appreciate, as I said, the cooperation of the chairman and his staff, and the ranking member and his staff.

Mr. McKEON. Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of Washington. I yield 1 minute to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Chairman, I thank the gentleman for yielding.

I want to read a sentence from a report that was recently released. It is something for us to think about: "We are in uncharted territory here," says the Army Vice Chief of Staff. "We have never fought for this long. In the history of the Republic, we have never fought for this long with an all-volunteer force that is only 1 percent of the population."

Mr. Chairman, we see what is the result of this war. Tens of thousands of our young soldiers are maimed with life-altering conditions, complete loss of limbs, devastating head wounds which will change their lives forever, many younger than 20 years old.

Osama bin Laden has been captured and dealt with. That was the reason for us going in the first place. Only Congress, only Congress can stop this. We are so open ended. We have talked here today about how we can't leave until the Afghans say we are ready. That may be 50 years from now, Mr. Chairman, and it is time that we really got serious about what we are doing here, not only to the young men and women who go but for the \$10 billion per month it adds to our deficit.

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. SMITH of Washington. I yield the gentlewoman an additional 30 seconds.

Ms. SLAUGHTER. I see them at the airport every week. I see them, some of them on their fourth deployment, and they beg me, they beg me to come down here and try to get this to stop. They have literally said to me that they will send me back until I am dead, and I come home in a box. How dare we do this? It is time; it is time for us to face up to the fact that what we could do there has been done and that we need a definite timetable as quickly as possible to stop this war in Afghanistan.

I thank the gentleman for yielding me this time.

Mr. PETRI. Mr. Chair, the Department of Defense, DOD, has a statutory goal that 25 percent of the energy procured or produced for its facilities must come from renewable sources by 2025. My amendment would simply clarify that direct use solar energy is considered a renewable energy source for the purposes of this requirement.

Direct use solar energy technology channels solar energy—in the form of sunlight—into a building to provide interior lighting that is similar to traditional electrically-powered lighting. It

can result in tremendous energy savings because it allows much of a building's internal lighting to come from sunlight, relying on electric lighting only in the off-peak evening hours or when sunlight is diminished. It is considered direct use because the sunlight is not converted to electricity prior to being utilized.

It is similar to other types of direct use renewable energy technology—geothermal heat pumps and solar thermal devices, for example—that DOD can already use to meet its renewable energy statutory goal. This amendment simply clarifies that direct use solar is considered a renewable source of energy.

These changes will provide DOD with the flexibility to meet its energy requirements more quickly and in a more cost-effective way. I respectfully request that my colleagues support this amendment.

Mr. CARNAHAN. Mr. Chair, I rise today in strong support of this amendment, which conditions funding of the Afghanistan Security Forces Fund, ASFF, on assurance from the Secretary of Defense that sufficient management and oversight mechanisms on contracts are in place.

The proper accounting of U.S. funds and programs in Afghanistan is vital to operational effectiveness and is particularly poignant as Americans across this country face ongoing economic hardships. I offered this amendment because we have a responsibility to our military personnel and the American tax payers to ensure that U.S. resources are being effectively and efficiently utilized in Afghanistan, so we can quickly and responsibly bring our military and civilian personnel home.

As the primary means for training and equipping the Afghan National Security Forces, ANSF, the ASFF is a critical component of our overall strategy to build Afghan capacity and transition to an Afghan-led mission. Unfortunately, however, instances of mismanagement and lacking oversight of the ASFF point to another example of insufficient accounting over Department of Defense contracts. Specifically, failure to construct long-term plans and several occasions of corruption and poor oversight on contracts have been cited—not only putting the billions of dollars in ASFF programs at risk but threatening the operational success of ANSF training and overall accomplishment of strategic objectives.

While specific amounts of waste, fraud, and abuse related to DOD contracts for ASFF are incompletely documented, the Special Inspector General for Afghanistan Reconstruction has estimated overall mismanagement of Afghanistan reconstruction funds as ranging anywhere from 10 percent to 100 percent. Using conservative estimates for anticipated levels of waste, fraud, and abuse, this amendment withholds 25 percent of ASFF funds until the Secretary of Defense certifies to Congress that proper accounting mechanisms are in place.

Throughout hearings on the foreign affairs committee's oversight panel, we have consistently heard issues of contracting mismanagement to the tune of billions of unaccounted for dollars. The safety of our personnel, the integrity of tax payer dollars, and the overall achievement of our missions depend on the effectiveness of our management and oversight institutions. In short—our troops deserve better; the American people deserve better, and I urge my colleagues to support this amendment.

Mr. DENT. Mr. Chair, I rise this evening to express support for the Dent Amendment offered to the National Defense Authorization Act for Fiscal Year 2012. The purpose of this amendment is to analyze the current manufacturing capabilities available in the United States to support a Nuclear Powered Navy. More specifically, this provision would require the Secretary of Defense to conduct a study to measure the domestic capacity in accordance with the Defense Acquisition Regulations System to manufacture ship shafts and other forged components used by surface and subsurface vessels of the U.S. Navy. On the issue of "Forgings," the Defense Acquisition Regulations System restricts the production of ship propulsion shafts, periscope tubes and other forgings to domestic sources. Furthermore, this study will ensure that the Department of Defense has identified the domestic entities with the infrastructure and industrial resources to contribute to our national defense.

The Commonwealth of Pennsylvania continues to anchor this vital manufacturing sector. Lehigh Heavy Forge, headquartered in Bethlehem, Pennsylvania, is a final remnant of the Bethlehem Steel Corporation. Today, the Forge is integral to the production of components needed for building U.S. Naval vessels. The ArcelorMittal Steelton Plant—located approximately 100 miles to the west of Bethlehem in Steelton, Pennsylvania—produces the steel ingots processed by Lehigh Heavy Forge to produce Navy ship shafts. In total, these two facilities provide over 700 jobs for Pennsylvanians, not to mention the additional 450 jobs at additional facilities across the Commonwealth with the infrastructure to meet this national need. While I am proud of the manufacturing tradition woven throughout Pennsylvania, I believe it is imperative for the Department of Defense to measure whether we have the domestic capacity to ultimately meet the challenges in the most treacherous corners of the world.

To that end, I am pleased that the underlying bill, H.R. 1540, authorized Navy shipbuilding as a permissible use of the Mission Enforcement Transfer Fund by the Secretary of Defense in FY 2012. The United States Navy is vital to our national security mission, including ongoing counterterrorism operations and irregular warfare. We need to ensure that the domestic capacity is in place to provide American sailors with the assets they need to succeed in our littoral zones, as well as on the high seas.

Mr. Chair, I ask my colleagues to support the Dent Amendment.

Mr. PETRI. Mr. Chair, the Courtney/Petri/Matsui amendment would transfer the successful Troops to Teachers Program back to the Department of Defense and make important changes to the program to ensure it will continue to provide opportunities for veterans to transition into second careers as educators.

I have been a supporter of the Troops to Teachers program since its authorization in the 1994 Defense Authorization Act, and I am proud of its success in placing over 12,000 veterans in our nation's classrooms. Troops to Teachers is a unique program that provides veterans with a \$5,000 stipend to help cover the costs of obtaining a teaching certification in exchange for three years service in an eligible school. An additional bonus of \$5,000 is available for teaching in a "high need school."

This structure has proven very effective in transitioning qualified retiring military personnel into second careers in teaching. Indeed, Troops participants fill several critical needs among educators: eighty percent are male, over one-third are ethnic minorities, and a majority bring an expertise in science and math to the classroom. Furthermore, these troops also bring valuable life experience and character traits that are uncommon in our nation's classroom.

However, the success of this program is in jeopardy without the needed changes that are included in the Courtney/Petri/Matsui amendment. When the program was transferred to the Education Department, a simple drafting error in the 2002 No Child Left Behind Act resulted in a Education Department ruling restricting the number of school districts in which veterans can fulfill their teaching requirement. Since the implementation of this ruling in September 2005, retiring military have found the number of schools at which they would be eligible to teach drastically reduced.

The Department's new interpretation locks out schools in many rural areas and small communities. This is a shame, especially given the success of this program and its ability to meet some of our nation's greatest teaching needs. In my own state of Wisconsin, only 11 out of 395 school districts qualify for participants to fulfill their teaching requirements. A 2006 Government Accountability Report, GAO, of the program found that the 2005 ruling had reduced interest and participation in the program, as schools in regions where troops lived were no longer considered eligible.

Our amendment would correct this ruling and ensure that veterans participating in the Troops to Teachers program receive a \$5,000 stipend for teaching three years in any school that is in a district receiving Title 1 funds. This would more than double the number of schools eligible under the program. The amendment does not change the criteria for the additional \$5,000 bonus, maintaining the incentive for troops to teach in the highest need schools.

The amendment also makes the Troops to Teachers Program more accessible by reducing the length of service requirements for active military. The make-up of our military has drastically changed since this program was first authorized sixteen years ago. Many of our young men and women returning from service in Iraq and Afghanistan who would like to pursue teaching careers are currently ineligible for the program.

Third, to ensure continued success of the program the amendment creates an advisory board charged with improving awareness, increasing participation and ensuring the program meets the needs of schools and veterans.

This week I, along with Representatives COURTNEY and MATSUI, introduced the Post 9/11 Troops to Teachers Enhancement Act, that contains these needed improvements to the program. This bill has the support of both military and educational organizations. These include: the American Legion, National Education Association, Military Order of the Purple Heart, Military Officers Association of America, National Association of the State Boards of Education and many more.

Finally, our amendment transfers the Troops to Teachers Program back to the Department

of Defense. Currently, the program is operated by the Defense Activity for Non-Traditional Education Support (DANTES). The Department of Education simply transfers funds to DANTES. Both the Department of Defense and the Department of Education support this transfer, which is reflected in the Administration's Fiscal Year 2012 budget request.

I want to thank Representative COURTNEY and Representative MATSUI for their work on this amendment. I urge my colleagues to support the amendment.

Mr. CARSON of Indiana. Mr. Chair, every year, thousands of troops return home from deployments in Iraq and Afghanistan prepared to separate from military service and begin their civilian lives. Many of these service members enlisted right out of high school or college and have spent their brief military service in the structured atmosphere of a military base or deployment operation. They have trained and disciplined themselves to become members of the greatest military the world has ever seen and have protected our nation diligently.

Yet, while serving our nation at home and abroad many have missed the opportunity to find reasonably priced housing, manage day-to-day bills associated with living on a civilian income, or have yet to start saving for their futures. These skills are absolutely critical for a smooth transition back to civilian life. For these service members, proper training can mean the difference between financial stability and long-term growth and foreclosure and unmanageable debt.

I believe that every service member, including those whose short careers have kept them from basic financial opportunities, deserves to leave military service with a full understanding of important financial principles. The Carson amendment seeks to add a personal finance component to the Department of Defense's mandatory pre-separation counseling program, which is already helping separating service members and their spouses become familiar with important VA programs and preparing them to seek an education and start a civilian career.

This amendment expands the current program to include training on saving, budgets, credit, taxes, mortgages and other important financial concepts. It also recognizes the important role spouses play in the financial health of families by ensuring that they are able to participate in counseling sessions as well. With this amendment, military families will leave the service with the type of knowledge that they need in order to adjust to civilian life.

The men and women of our armed services have put their lives on the line to protect our great nation. They deserve access to all the information they need to provide for themselves and their families after their transition to civilian life. I encourage all of my colleagues to support En Bloc Amendment No. 3, which contains the Carson amendment.

Mr. SMITH of Washington. Mr. Chairman, I yield back the balance of my time.

Mr. MCKEON. I encourage all Members to support the en bloc amendments.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendments en bloc offered by the gentleman from California (Mr. MCKEON).

The en bloc amendments were agreed to.

AMENDMENTS EN BLOC NO. 4 OFFERED BY MR. MCKEON

Mr. MCKEON. Mr. Chairman, pursuant to H. Res. 276, I offer amendments en bloc.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 4, consisting of amendment Nos. 106, 107, 108, 109, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, and 126 printed in House Report 112-88 offered by Mr. MCKEON of California.

AMENDMENT NO. 106 OFFERED BY MS. HANABUSA

Page 325, after line 9, insert the following:
SEC. 705. TRICARE STANDARD FOR CERTAIN MEMBERS OF THE INDIVIDUAL READY RESERVE.

(a) COVERAGE FOR CERTAIN IRR MEMBERS.—
(1) IN GENERAL.—Subsection (a) of section 1076e of title 10, United States Code, is amended to read as follows:

“(a) ELIGIBILITY.—(1) Except as provided in paragraph (2), the following individuals are eligible for health benefits under TRICARE Standard as provided in this section:

“(A) A member of the Retired Reserve of a reserve component of the armed forces who is qualified for a non-regular retirement at age 60 under chapter 1223 of this title but has not attained the age of 60.

“(B) A member of the Individual Ready Reserve described in subsection 10144(b) of this title who served on active duty for an aggregate of not less than one year beginning on or after September 11, 2001.

“(2) Paragraph (1) does not apply to a member who is enrolled, or is eligible to enroll, in a health benefits plan under chapter 89 of title 5.”

(2) TERMINATION.—Subsection (b) of such section is amended—

(A) in the subsection heading, by striking “STANDARD”;

(B) by striking “the member becoming” and inserting “a member described in subsection (a)(1)(A) becoming”; and

(C) by inserting before the period at the end the following: “or a member described in subsection (a)(1)(B) becoming eligible for TRICARE coverage under any other section of this chapter”.

(3) SECTION HEADING.—The heading of such section is amended by striking “WHO ARE QUALIFIED FOR A NON-REGULAR RETIREMENT BUT ARE NOT YET AGE 60” and inserting “AND INDIVIDUAL READY RESERVE”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of title 10, United States Code, is amended by striking the item relating to section 1076e and inserting the following new item:

“1076e. TRICARE program: TRICARE Standard coverage for certain members of the Retired Reserve and Individual Ready Reserve.”

(c) FUNDING INCREASE AND OFFSETTING REDUCTION.—Notwithstanding the amounts set forth in the funding tables in division D—

(1) the amount authorized to be appropriated in section 1406 for the Defense Health Program, as specified in the corresponding funding table in division D, is hereby increased by \$5,000,000, with the amount of the increase allocated to the Defense Health Program, as set forth in the table under section 4501, to carry out the amendments made by this section; and

(2) the amount authorized to be appropriated in section 101 for other procurement, Army, as specified in the corresponding funding table in division D, is hereby reduced by \$5,000,000, with the amount of the reduction

to be derived from Joint Tactical Radio System Maritime-Fixed radios under Line 039 Joint Tactical Radio System as set forth in the table under section 4101.

AMENDMENT NO. 107

Page 825, after line 2, insert the following new section:

SEC. 3114. HANFORD WASTE TANK CLEANUP PROGRAM REFORMS.

Section 4442 of the Atomic Energy Defense Act (50 U.S.C. 2622) is amended—

(1) in subsection (b)(2), by striking “, consistent with the policy direction established by the Department, all aspects of the River Protection Project, Richland, Washington” and inserting “all aspects of the River Protection Project, Richland, Washington, including Hanford Tank Farm Operations and the Waste Treatment Plant”;

(2) by amending subsection (d) to read as follows:

“(d) NOTIFICATION.—The Assistant Secretary of Energy for Environmental Management shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives written notification detailing any changes in the roles, responsibilities and reporting relationships that involve the Office.”; and

(3) by striking subsections (e) and (f) and inserting the following new section:

“(e) TERMINATION.—The Office shall terminate on September 30, 2019. The Office may be extended beyond that date if the Assistant Secretary of Energy for Environmental Management determines in writing that termination would disrupt effective management of the Hanford Tank Farm operations.”

AMENDMENT NO. 108

At the end of title X, add the following:
SEC. 1099C. SENSE OF CONGRESS REGARDING DEPLOYMENT OF ARMED FORCES WITHOUT CONSIDERABLE DELIBERATION.

It is the sense of the Congress that before voting begins with respect to funding of any deployment of the Armed Forces, Members of the Congress—

(1) should designate a time period in which Members consider the cultures, religions, ethnicities, geographies, histories, and politics of nations and regions in which the Armed Forces are engaged or are proposed to engage in military action;

(2) should be given access to in-depth briefings on the information described in paragraph (1); and

(3) fully consider and appreciate the enormous complexities and uncertainties inherent in the military engagements of the United States in certain regions, in particular the Middle East.

AMENDMENT NO. 109

At the end of subtitle B of title III, insert the following:

SEC. 3. FIRE SUPPRESSION AGENTS.

Section 605(a) of the Clean Air Act (42 U.S.C. 7671d(a)) is amended—

(1) by striking “or” at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting “; or”; and

(3) by adding the following new paragraph after paragraph (3):

“(4) is listed as acceptable for use as a fire suppression agent for nonresidential applications in accordance with section 612(c).”

AMENDMENT NO. 112

Page 345, after line 8, insert the following:
SEC. 731. SENSE OF CONGRESS ON POST-TRAUMATIC STRESS DISORDER.

It is the sense of Congress that—

(1) post-traumatic stress disorder is an increasingly common disease suffered by returning members of the Armed Forces; and

(2) access to treatment for members with post-traumatic stress disorder should be expanded to include local and community medical facilities.

AMENDMENT NO. 113

At the end of title III, add the following new section:

SEC. 3. ASSISTANCE FOR HOMELAND DEFENSE MISSION TRAINING.

(a) ASSISTANCE AUTHORIZED.—Chapter 9 of title 32, United States Code, is amended by adding at the end the following new section:

“§ 909. Training assistance

“(a) ASSISTANCE AUTHORIZED.—To improve the training of National Guard units and Federal agencies performing homeland defense activities, the Secretary of Defense may provide funding assistance through a special military cooperative agreement for the operation and maintenance of any State training center certified by the Federal Emergency Management Agency as capable of providing emergency response training.

“(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds under subsection (a) with or to a specific entity shall—

“(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10 or on competitive procedures; and

“(2) comply with other applicable provisions of law.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“909. Training assistance.”.

AMENDMENT NO. 114

Page 92, after line 12, insert the following:

SEC. 254. PROHIBITION ON USE OF FUNDS FOR NEWLY DESIGNED FLIGHT SUIT.

None of the funds authorized to be appropriated by this Act may be used to research, develop, manufacture, or procure a newly designed flight suit for members of the Armed Forces.

AMENDMENT NO. 115

Page 92, after line 12, insert the following:

SEC. 254. NATIONAL DEFENSE EDUCATION PROGRAM.

If the total amount authorized to be appropriated by this Act for the National Defense Education Program for fiscal year 2012 is less than the amount requested by the President for such program in the budget submitted to Congress under section 1105 of title 31, United States Code, for such fiscal year, the Secretary of Defense may not derive the difference between such amounts from the K–12 component of such program.

AMENDMENT NO. 116

At the end of subtitle A of title XII of division A of the bill, add the following:

SEC. 12xx. GLOBAL SECURITY CONTINGENCY FUND.

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary of State, with the concurrence of the Secretary of Defense, is authorized to establish a fund, to be known as the Global Security Contingency Fund, which shall consist of such amounts as may be contributed under paragraph (2) to the fund, to provide assistance to a foreign country described in subsection (b) for the purposes described in subsection (c). The program authorized under this subsection shall be jointly financed and carried out by the Department of State and the Department of Defense in accordance with the requirements of this section.

(2) CONTRIBUTIONS TO FUND.—

(A) IN GENERAL.—For each of fiscal years 2012 through 2015, the Secretary of State and

the Secretary of Defense may contribute not more than \$300,000,000 of amounts made available to carry out the provisions of law described in subsection (d).

(B) AVAILABILITY.—Notwithstanding any other provision of law, amounts contributed under this paragraph to the fund shall be merged with amounts in the fund and shall be available for purposes of carrying out the program authorized under this subsection.

(3) LIMITATION.—The authority of this subsection may not be exercised with respect to a fiscal year until—

(A) the Secretary of State contributes to the fund not less than one-third of the total amount contributed to the fund for the fiscal year; and

(B) the Secretary of Defense contributes to the fund not more than two-thirds of the total amount contributed to the fund for the fiscal year.

(4) RULE OF CONSTRUCTION.—The ratios of contributions described in paragraph (3) shall be determined at the beginning of a fiscal year and may not be determined on a project-by-project basis.

(b) ELIGIBLE FOREIGN COUNTRIES.—A foreign country described in this subsection is a country that is designated by the Secretary of State, with the concurrence of the Secretary of Defense, and is eligible to receive assistance under one or more of the provisions of law described in subsection (d).

(c) PURPOSE OF PROGRAM.—The program authorized under subsection (a) may provide assistance to enhance the capabilities of military forces, and other security forces that conduct border and maritime security, and counterterrorism operations, as well as the government agencies responsible for such forces, in order to strengthen a foreign country’s national and regional security interests consistent with United States foreign policy interests.

(d) PROVISIONS OF LAW DESCRIBED.—The provisions of law described in this subsection are the following:

(1) Section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456; relating to program to build the capacity of foreign military forces).

(2) Section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881; relating to authority to provide additional support for counterdrug activities of other countries).

(3) Amounts authorized to be appropriated by section 301 for operation and maintenance, Defense-wide activities, and available for the Defense Security Cooperation Agency for the Warsaw Initiative Funds (WIF) for the participation of the North Atlantic Treaty Organization (NATO) members in the exercises and programs of the Partnership for Peace program of the North Atlantic Treaty Organization.

(4) Section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to foreign military financing program).

(5) Section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291; relating to international narcotics control and law enforcement).

(6) Chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.; relating to international military education and training program).

(7) Chapter 8 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa et seq.; relating to antiterrorism assistance).

(e) FORMULATION AND EXECUTION OF PROGRAM.—

(1) IN GENERAL.—The program authorized under subsection (a)—

(A) shall be jointly formulated by the Secretary of State and the Secretary of Defense; and

(B) shall, prior to its implementation, be approved by the Secretary of State, with the concurrence of the Secretary of Defense.

(2) REQUIRED ELEMENTS.—The program authorized under subsection (a) shall include elements that promote—

(A) observance of and respect for human rights and fundamental freedoms; and

(B) respect for legitimate civilian authority.

(f) RELATED AUTHORITIES.—

(1) IN GENERAL.—The program authorized under subsection (a) shall be—

(A) jointly financed by the Secretary of State and the Secretary of Defense through amounts contributed to the fund under subsection (a)(2) from one or more provisions of law described in subsection (d) under which the foreign country is eligible to receive assistance; and

(B) carried out under the authorities of such provisions of law and the authorities of this section.

(2) ADMINISTRATIVE AUTHORITIES.—Funds made available under a program authorized under subsection (a) shall be subject to the same administrative authorities as apply to funds made available to carry out the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.).

(3) LIMITATION ON ELIGIBLE COUNTRIES.—The program authorized under subsection (a) may not include the provision of assistance to—

(A) any foreign country that is otherwise prohibited from receiving such assistance under any other provision of law; or

(B) Iraq, Afghanistan, or Pakistan.

(g) CONGRESSIONAL NOTIFICATION.—

(1) IN GENERAL.—Not less than 15 days before implementing an activity under the program authorized under subsection (a), the Secretary of State, with the concurrence of the Secretary of Defense, shall submit to the congressional committees specified in paragraph (2) a notification of—

(A) the name of the country with respect to which the activity will be implemented; and

(B) the budget, implementation timeline with milestones, and completion date for the activity.

(2) SPECIFIED CONGRESSIONAL COMMITTEES.—The congressional committees specified in this paragraph are—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(h) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to constitute an authorization or extension of any of the provisions of law described in subsection (d)

(i) TERMINATION OF PROGRAM.—The authority to carry out the program authorized under subsection (a) terminates at the close of September 30, 2015. An activity under the program directed before that date may be completed after that date, but only using funds made available for fiscal years 2012 through 2015.

AMENDMENT NO. 117

At the end of subtitle B of title XII of division A of the bill, add the following:

SEC. 12xx. LIMITATION ON FUNDS TO ESTABLISH PERMANENT MILITARY INSTALLATIONS OR BASES IN IRAQ AND AFGHANISTAN.

(a) NO PERMANENT MILITARY BASES IN IRAQ.—None of the funds authorized to be appropriated by this Act may be obligated or expended by the United States Government to establish any military installation or base

for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(b) NO PERMANENT MILITARY BASES IN AFGHANISTAN.—None of the funds authorized to be appropriated by this Act may be obligated or expended by the United States Government to establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

AMENDMENT NO. 118

Page 531, after line 2, insert the following:

SEC. 1099C. SENSE OF CONGRESS REGARDING THE ESTABLISHMENT OF A KOREAN WAR NATIONAL MUSEUM.

(a) FINDINGS.—Congress makes the following findings:

(1) The Korean War was fought between the Republic of Korea, with the assistance of 16 different nations including the United States, and the Democratic People's Republic of Korea and People's Republic of China from June 1950 to July 1953.

(2) This conflict was prompted by the invasion of the Republic of Korea by the communist Democratic People's Republic of Korea.

(3) 5,700,000 Americans served during the war and 36,574 died in the conflict, making it the fifth deadliest war in United States history.

(4) 133 Congressional Medals of Honor were awarded for service during the conflict.

(5) The first integration of black and white American members of the Armed Forces in combat occurred during the Korean War.

(6) The first use of helicopters and the first air-to-air combat between modern jets occurred during the Korean War.

(7) There are currently an estimated 2,440,000 living American veterans of the Korean War.

(8) The United Nations deployed troops into combat for the first time during the Korean War.

(9) The conflict marked the first armed struggle between democracy and communism, as well as the first time the advance of communism was halted.

(10) After the signing of the Armistice Agreement on July 27, 1953, ending hostilities, there was established the Demilitarized Zone, which has allowed the Republic of Korea to grow into a dynamic and stable democracy while situated on the border of one of the least free countries in the modern world.

(11) An official national museum honoring the conflict and all those who served does not currently exist.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) efforts to increase education and public awareness of the Korean War and to honor and promote gratitude for those who served in the Korean War should be encouraged;

(2) the people who have demonstrated leadership and spearheaded the development of a museum to promote awareness of the Korean War and honor those who served in it should be commended; and

(3) a national museum, to be located in Chicago, Illinois, should be established to—

(A) educate visitors on the service, sacrifices, and contributions of those who fought in Korea;

(B) honor Korean War veterans;

(C) preserve the legacy and history of the Korean War conflict; and

(D) celebrate the advances in democracy and freedom made by the people of the Republic of Korea.

AMENDMENT NO. 119

Page ____, after line ____, insert the following:

SEC. 355. MODIFICATION OF REPORT ON SEAD/DEAD MISSION REQUIREMENTS OF THE AIR FORCE.

Section 334 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4188) is amended—

(1) in subsection (a)—

(A) by striking “120 days after the date of the enactment of this Act” and inserting “August 1, 2011”;

(B) by striking “designating” and inserting “expanding the role of the Air National Guard in conducting”; and

(C) by striking “as a responsibility of the Air National Guard”; and

(2) in subsection (b)(2), by adding at the end the following:

“(D) The capacity and capability of the Air National Guard to assume an increased level of the Department's SEAD/DEAD mission responsibilities.”

AMENDMENT NO. 120

At the end of title V, add the following new section:

SEC. 5. REVIEW REGARDING AWARD OF MEDAL OF HONOR TO JEWISH AMERICAN WORLD WAR I VETERANS.

(a) REVIEW REQUIRED.—The Secretary of the Army and the Secretary of the Navy shall review the service records of each Jewish American World War I veteran described in subsection (b) to determine whether that veteran should be posthumously awarded the Medal of Honor.

(b) COVERED JEWISH AMERICAN WAR VETERANS.—The Jewish American World War I veterans whose service records are to be reviewed under subsection (a) are the following:

(1) Any Jewish American World War I veteran who was previously awarded the Distinguished Service Cross, the Navy Cross, or other military decoration for service during World War I.

(2) Any other Jewish American World War I veteran whose name is submitted to the Secretary concerned for such purpose by the Jewish War Veterans of the United States of America before the end of the one-year period beginning on the date of the enactment of this Act.

(c) CONSULTATIONS.—In carrying out the review under subsection (a), the Secretary concerned shall consult with the Jewish War Veterans of the United States of America and with such other veterans service organizations as the Secretary considers appropriate.

(d) RECOMMENDATION BASED ON REVIEW.—If the Secretary concerned determines, based upon the review under subsection (a) of the service records of any Jewish American World War I veteran, that the award of the Medal of Honor to that veteran is warranted, the Secretary shall submit to the President a recommendation that the President award the Medal of Honor posthumously to that veteran.

(e) AUTHORITY TO AWARD MEDAL OF HONOR.—A Medal of Honor may be awarded posthumously to a Jewish American World War I veteran in accordance with a recommendation of the Secretary concerned under subsection (a).

(f) WAIVER OF TIME LIMITATIONS.—An award of the Medal of Honor may be made under subsection (e) without regard to—

(1) section 3744, 6248, or 8744 of title 10, United States Code; and

(2) any regulation or other administrative restriction on—

(A) the time for awarding the Medal of Honor; or

(B) the awarding of the Medal of Honor for service for which a Distinguished Service Cross, Navy Cross, or other military decoration has been awarded.

(g) DEFINITIONS.—In this section:

(1) The term “Jewish American World War I veteran” means any person who served in

the Armed Forces during World War I and identified himself or herself as Jewish on his or her military personnel records.

(2) The term “Secretary concerned” means—

(A) the Secretary of the Army, in the case of the Army; and

(B) the Secretary of the Navy, in the case of the Navy and the Marine Corps.

(3) The term “World War I” means the period beginning on April 6, 1917, and ending on November 11, 1918.

AMENDMENT NO. 121

Beginning on page 513, line 17, strike section 1091 and insert the following:

SEC. 1091. TREATMENT UNDER FREEDOM OF INFORMATION ACT OF CERTAIN DEPARTMENT OF DEFENSE CRITICAL INFRASTRUCTURE SECURITY INFORMATION.

(a) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by adding after section 130e, as added by section 1055, the following new section:

“§ 130f. Treatment under Freedom of Information Act of critical infrastructure security information

“(a) EXEMPTION.—Department of Defense critical infrastructure security information that, if disclosed, may result in the disruption, degradation, or destruction of operations, property, or facilities of the Department of Defense, shall be exempt from disclosure pursuant to section 552(b)(3) of title 5, if the Secretary of Defense determines that the public interest consideration in the disclosure of such information does not outweigh preventing the disclosure of such information.

“(b) INFORMATION PROVIDED TO STATE AND LOCAL GOVERNMENTS.—Department of Defense critical infrastructure security information obtained by a State or local government from a Federal agency shall remain under the control of the Federal agency, and a State or local law authorizing or requiring such a government to disclose information shall not apply to such critical infrastructure security information.

“(c) DEPARTMENT OF DEFENSE CRITICAL INFRASTRUCTURE SECURITY INFORMATION DEFINED.—In this section, the term ‘Department of Defense critical infrastructure security information’ means sensitive but unclassified information related to critical infrastructure information owned or operated by or on behalf of the Department of Defense that could substantially facilitate the effectiveness of an attack designed to destroy equipment, create maximum casualties, or steal particularly sensitive military weapons including information regarding the securing and safeguarding of explosives, hazardous chemicals, or pipelines.

“(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations to implement this section. Such regulations shall ensure the consistent application of the exemption in subsection (a) across the military departments and that specifically identify officials in each military department who shall be delegated the Secretary's authority under this section.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“130f. Treatment under Freedom of Information Act of certain critical infrastructure security information.”

AMENDMENT NO. 122

At the end of subtitle J of title V of Division A, add the following new section:

SEC. 598. LIMITATION ON MILITARY MUSICAL UNITS.

Amounts appropriated pursuant to the authorization of appropriations in this Act for

military musical units (as defined in section 974 of title 10, United States Code) may not exceed \$200,000,000.

AMENDMENT NO. 123

At the end of title X, add the following:

SEC. . INTERAGENCY COLLABORATION.

The Assistant Secretary of Defense for Research and Engineering shall collaborate with the Under Secretary for Science and Technology of the Department of Homeland Security to identify equipment and technology used by the Department of Defense that could be used by U.S. Customs and Border Protection to improve the security of the international borders between the United States and Mexico, and the United States and Canada, by—

- (1) detecting anomalies such as tunnels and breaches in perimeter security;
- (2) detecting the use of unauthorized vehicles;
- (3) enhancing wide-area surveillance;
- (4) using autonomous vehicles for security; and
- (5) otherwise improving the enforcement of such borders.

AMENDMENT NO. 124

At the end of title XXVII, add the following new section:

SEC. 2707. LIMITATION ON BRAC 133 PROJECT IMPLEMENTATION.

The Secretary of Defense may not use more than 1,000 parking spaces provided by the combination of spaces provided by the BRAC 133 project and the lease of spaces in the immediate vicinity of the BRAC 133 project until both of the following occur:

- (1) The Secretary of Defense documents either a Record of Environmental Consideration or a Supplemental Environment Assessment for the finding in the 2008 BRAC 133 Environmental Assessment of no significant impact.
- (2) The Secretary of Defense certifies that all defense access road-certified mitigation projects related to the BRAC 133 project have been constructed.

AMENDMENT NO. 125

At the end of subtitle G of title VI (page 319, after line 3), add the following new section:

SEC. 662. REPORT ON INCENTIVES FOR RECRUITMENT AND RETENTION OF HEALTH CARE PROFESSIONALS FOR RESERVE COMPONENTS.

Not later than 90 days after the date of the enactment of this Act, the Surgeons General of the Army, Navy, and Air Force shall submit to Congress a report on their staffing needs for health care professionals in the active and reserve components of the Armed Forces. Such report shall—

- (1) identify the positions in most critical need for additional health care professionals, including—
 - (A) the number of physicians needed; and
 - (B) whether additional behavioral health professionals are needed to treat members of the Armed Forces for post traumatic stress disorder and traumatic brain injury; and
- (2) recommend incentives for healthcare professionals with more than 20 years of clinical experience to join the active or reserve components, including changes in age or length of service requirements to qualify for partial retired pay for non-regular service.

AMENDMENT NO. 126

At the end of subtitle E of title VIII, add the following new section:

SEC. 845. ADDITIONAL INFORMATION ON WAIVERS UNDER THE BUY AMERICAN ACT BY DEPARTMENT OF DEFENSE REQUIRED TO BE INCLUDED IN ANNUAL REPORT.

Section 812 of the National Defense Authorization Act for Fiscal Year 2004 (Public

Law 108-136; 10 U.S.C. 2501 note) is amended in subsection (c)(2)(A) by striking clause (vi) and inserting the following:

“(vi) An itemized list of all waivers granted with respect to such articles, materials, or supplies under chapter 83 of title 41 (commonly referred to as the Buy American Act), including—

- “(I) an analysis of the domestic capacity to supply the articles, materials, or supplies; and
- “(II) an analysis of the reasons for an increase or decrease in the number of waivers granted from fiscal year to fiscal year.”.

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from California (Mr. MCKEON) and the gentleman from Washington (Mr. SMITH) each will control 10 minutes on the amendments en bloc.

The Chair recognizes the gentleman from California.

Mr. MCKEON. Mr. Chairman, I urge the Committee to adopt the amendments en bloc, all of which have been examined by both the majority and the minority.

I reserve the balance of my time.

Mr. SMITH of Washington. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN. Mr. Chairman, I support this en bloc amendment, but I would like to speak on behalf of one of the amendments included in it. I greatly thank the chairman and the ranking member for including it.

This fall, 6,400 Department of Defense employees are scheduled to occupy an office complex less than 5 miles from the U.S. Capitol. It is known as the Mark Center. It is on U.S. Route 395 and Seminary Road.

□ 1150

According to five separate transportation studies, including the Army's own Transportation Management Plan and a highly critical Department of Defense Inspector General report, this location was improperly chosen and inadequately designed to handle the traffic it will create. It will, thus, result in severe congestion on 395 and on all of the roads surrounding the site. The problem is that about 200,000 commuters use 395 every day. We estimate it will cause a 1- to 2-hour additional delay for those commuters.

The National Academy of Sciences looked at it. They said, if this goes through in the fall, it will compromise the military mission that is the responsibility of the Washington Headquarters Services people who would occupy the building, and it will cause severe damage to the regional economy. What this amendment does is to simply limit the number of vehicles that can come to this site to no more than 1,000 until traffic mitigation measures are in place.

The Department of Defense has finally reprogrammed \$20 million for some of the needed improvements. Governor McDonnell of Virginia has allocated \$80 million for a ramp that would come off the HOV lanes onto the site. But, the Pentagon's money won't

be in place for another couple of years. Governor McDonnell's project will not be completed for 5 years. This limits the number of vehicles that can drive to this site until these improvements are in place. It needs to be included on behalf of those 200,000 commuters, and the surrounding residents.

Again, I want to greatly thank the chairmen of the full committee and the subcommittee and the ranking member for including the amendment.

Mr. MCKEON. I continue to reserve the balance of my time.

Mr. SMITH of Washington. I yield 1 minute to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Chairman, I rise in support of these en bloc amendments.

The Korean War is often referred to as “the Forgotten War,” but the toll it took on those who served and the mark it left on America, American veterans, Korea, and the world is indelible. A group of dedicated individuals, led by Korea veteran Denis Healy, has begun work on the Korean War National Museum to be located in Chicago.

This amendment, which I introduced with my colleague from Illinois, PETER ROSKAM, supports increased efforts to educate and raise public awareness of the Korean War and of the establishment of such a museum. This museum will preserve the legacy and history of the war, commemorate the sacrifices made by those who served, and celebrate the advances in freedom and democracy made by the Republic of Korea.

The veterans of this important conflict deserve our recognition, honor, and appreciation. A national museum will ensure that what they accomplished will be remembered.

I thank Chairman MCKEON and Ranking Member SMITH for supporting this amendment.

Mr. MCKEON. Mr. Chairman, I yield 1 minute to my friend and colleague, the gentleman from Missouri (Mr. LUETKEMEYER).

Mr. LUETKEMEYER. Mr. Chairman, I am proud to rise in support of an amendment that would allow for the review of service records of eligible Jewish American veterans from World War I.

I want to thank Chairman MCKEON and Ranking Member SMITH, along with my colleagues who sponsored this legislation, for their support of this important issue.

We owe much to the patriotic Americans who have worn and are wearing the uniforms of our Nation's Armed Forces. Our country has been blessed to have citizens who have selflessly volunteered to defend our Nation and our freedom. Unfortunately, due to discrimination, qualified soldiers have not been considered for the Medal of Honor, which is the highest military decoration awarded by our government.

In 2001, Congress passed the Leonard Kravitz Jewish War Veterans Act, which had broad bipartisan support.

This important piece of legislation presented Jewish soldiers the opportunity to receive the Medal of Honor for their service in World War II. However, Jewish veterans of World War I faced similar discrimination, and have not yet been afforded the opportunity to receive recognition for their service.

Last Congress, this amendment was included as part of an en bloc group of amendments that was agreed to by the House by a vote of 416-1. We urge its adoption.

Mr. SMITH of Washington. I yield 2 minutes to the gentlelady from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I rise to support the en bloc amendments and particularly my amendment dealing with post-traumatic stress disorder.

My amendment sends a clear and resounding message that we take all wounds endured by our veterans seriously. Although their wounds may be invisible, we recognize that they should be properly treated. One of the best ways to increase the treatment of post-traumatic stress disorder is to access treatment and to increase treatment in a number of local and community medical facilities.

I want to thank the chairman and the ranking member for accepting this amendment and for recognizing the enormous burden that has come about through PTSD.

According to the Defense Medical Epidemiology Database, the number of hospitalizations and outpatient visits in which PTSD was a primary diagnosis between 2000 and 2009 was 5,307 hospitalizations and 578,120 outpatient visits.

I also rise today in honor of my friend and late colleague, Congressman John Murtha, who worked with me to establish an outsourcing clinic in the Houston area at the Riverside Hospital. What a difference it makes. If proper medical care is given, about 40 percent to 60 percent of people who develop PTSD can get better care.

How many of us can even talk about this experience short of our Members who have experienced combat who are here in the United States Congress? The average American who has not does not know the trauma of experiencing danger every day in protecting themselves and their comrades.

They come home. They deserve not only our celebration of their return but to be treated so that they can go on with their lives. Since October 2004, approximately 1.64 million U.S. troops have been deployed for the OEF and OIF in Afghanistan and Iraq. Let's say to our soldiers: You are deserving of our care.

Let us provide more access to care for post-traumatic stress disorder. I appreciate your support for this en bloc amendment.

Mr. Chair, I rise today in support of my amendment #112 to H.R. 1540, "National Defense Authorization Act For Fiscal Year 2011," as it will send a clear message on the importance of increasing access to treatment for

those suffering from post traumatic stress disorder (PTSD). As a Member of Congress from Texas, a state which has sustained more casualties in the ongoing conflicts in Afghanistan and Iraq than all but one other state, I am pleased to offer this amendment.

My amendment is intended to address the urgent need for access to post traumatic stress disorder (PTSD) treatment and counseling facilities servicing veterans. This includes veterans living in some of the more distressed areas of our country.

We must encourage the establishment of innovative public-private partnerships for the treatment and research of PTSD in teaching hospitals across the country by placing a focus on the importance of caring for those who live with post traumatic stress disorder.

We can never do enough to honor our wounded veterans. The Congressional Research Service puts the number of troops deployed since 2000 suffering from post traumatic stress disorder (PTSD) at nearly 67,000.

Post traumatic stress disorder is one of the most prevalent and devastating psychological wounds suffered by the brave men and women fighting in far off lands to defend the values and freedom we hold dear. This country has the necessary resources to provide Veterans and members of the Armed Forces with world class care.

I represent a district that is home to one of the largest populations of military service members and their families in the nation. There are over 200,000 veterans of military service who live and work in Houston; more than 13,000 are veterans from the Iraq and Afghanistan. For the brave men and women who have been wounded in combat, help is on the way.

Mr. Chair, my amendment sends the clear and resounding message that we take all wounds endured by our veterans seriously. Although a soldier's wounds are invisible to the naked eye; they are still wounds that should be properly treated. One of the best ways to increase access to treatment is to increase the number of medical facilities specializing in post traumatic stress disorder located in underserved urban areas. Access to post traumatic stress disorder treatment is especially important since veterans living in such areas are less likely to be diagnosed and treated for post traumatic stress disorder.

In Houston the Veterans Affairs Medical Center (VAMC) is the primary point of care for most returning veterans. It serves over 6,000 veterans in the area. 90% of those served at the VAMC are men, and 21% have been diagnosed with some form of depression or PTSD. We need to include community based health care providers to reach veterans living in underserved urban areas. The treatment of PTSD should be community based.

As a senior member of the Judiciary and the Homeland Security Committees, I agree with President Obama and the Administration in reaffirming our commitment to supporting our veterans and military warriors. The \$1,000,000 Department of Defense (DOD) awarded grant recognized the importance of expanded efforts in diverse communities around the country, as the government seals its promise to ensure our Military Personnel and Veterans have the best medical care available.

It has been a long fought battle, as I have worked tirelessly with the late John Murtha, Chairman of the Subcommittee on Defense, of

the House Appropriations Committee and Senior Leaders from DOD for more than four years to secure \$1,000,000 in federal funding in the 2010 Defense Appropriations Bill for Riverside General Hospital. These funds provided facilities and services to treat Post Traumatic Stress Disorders (PTSD) for National Guardsmen, Reservists and Veterans discharged and/or on leave.

These funds represented a major step towards providing expanded resources in the heart of the city of Houston for those suffering from Post Traumatic Stress Disorders.

The DOD awarded grant recognized the importance of expanded efforts in diverse communities around the country, as the government seals its promise to ensure our veterans and warriors in uniform have the best medical care available.

These funds provided trained experienced physicians, nurses, therapists and other healthcare professionals the necessary services to treat Post Traumatic Stress Disorders for Military Personnel and Veterans discharged and/or on leave of duty. In addition, Riverside General Hospital is now able to provide psychiatric, medical emergency medical inpatient, and outpatient services.

There are currently close to 200,000 military and civilian personnel in the state of Texas, many living in the Houston area. Riverside General Hospital, located in the 18th Congressional District, is the only hospital in Texas privately owned by African-Americans.

Riverside General Hospital was founded due to the heroic efforts of veterans in the First World War. Riverside General Hospital, formerly the Houston Negro Hospital, was erected in 1926 in memory of Lieutenant John Halm Cullinan, US Army. Riverside General Hospital is the only private African-American-owned hospital in the state of Texas that is contracted to provide inpatient psychiatric and inpatient detoxification services to TRICARE beneficiaries.

POST TRAUMATIC STRESS DISORDER

I have always been a supporter of the men and women in the military, visiting every combat zone, including Bosnia, Kosovo, Albania, with numerous visits to Afghanistan and Iraq. After interacting with our deployed warriors, I began to understand the actual devastation caused by PTSD, which fueled my passion to help create a facility to help and provide care for those military members and veterans affected.

There have been several reports of Military Personnel to include National Guardsman, Reservists and Veterans suffering from PTSD-like symptoms for well over 100 years. Some examples are veterans of the US Civil War, who suffered emotional problems and were said to be afflicted with "soldier's heart" or "Da Costa's Syndrome"; veterans of World War I was diagnosed as "shell Shocked"; and veterans of World War II were classified with "battle fatigue" or "combat fatigue". Other terms used to describe military-related mood disturbances include "nostalgia", "not yet diagnosed nervousness", "irritable heart", "effort syndrome", "war neurosis" and "operational exhaustion".

War veterans are the most publicly-recognized victims of PTSD; long-term psychiatric illness was formally observed in World War I and the syndrome entered public consciousness after the Vietnam War.

TREATING THE "INVISIBLE WOUNDS OF WAR"

According to the Defense Medical Epidemiology Database, the number of hospitalizations and outpatient visits in which PTSD was the primary diagnosis between 2000 and 2009 were:

5,307 Hospitalizations
578,120 outpatient visits

Military Personnel and Veterans with PTSD have lived through traumatic events, causing many of them to fear for their lives, bear witness to horrible things, and feel helpless and hopeless. PTSD symptoms usually start soon after the traumatic event, but they may not appear until months or years later. If provided proper medical care, about half (40% to 60%) of people who develop PTSD get better at some time.

Since October 2001, approximately 1.64 million U.S. troops have been deployed for Operations Enduring Freedom and Iraqi Freedom (OEF/OIF) in Afghanistan and Iraq. Early evidence suggests that the psychological toll of these deployments—many involving prolonged exposure to combat-related stress over multiple rotations—may be disproportionately high compared with the physical injuries of combat.

In the face of mounting public concern over post-deployment health care issues confronting OEF/OIF veterans, several task forces, independent review groups, and a President's Commission have been convened to examine the care of the war wounded and make recommendations. Many recent reports have referred to PTSD as the signature wound of the Afghanistan and Iraq conflicts. With the increasing incidence of suicide and suicide attempts among returning veterans, concern about depression is also on the rise. PTSD impacts not only the service member as the aftershock of this invisible wound victimizes the families as well feel.

The Army says that for the first time the rate of suicide in the military exceeded that of the general population last year—20.2 per 100,000 people in the military, compared with the civilian rate of 19.5 per 100,000. (The Centers for Disease Control say the overall civilian suicide rate was 11 per 100,000 for 2005—the most recent year available—but the Army adjusts the figure to reflect the military's younger and much more heavily male demographics.) The Army's suicide rate was 12.7 per 100,000 in 2005, 15.3 in 2006 and 16.8 in 2007.

Although veterans who served in combat are most frequently afflicted by PTSD, events such as the Fort Hood shooting highlight the physical and psychological dangers facing military personnel in all roles.

Consequently, I believe it is extremely vital to extend to our civilian personnel the same benefits and support that we give to our active duty military. Civilians and military members on Fort Hood have equal responsibility to protect our nation and, as such, it is morally imperative that we work to honor these civilians by providing them with equal support in the aftermath of such traumatic incidents.

As our nation continues to fight injustices at home and abroad, we must remain committed to caring for those who give life and limb, so that we can enjoy our daily freedoms.

According to a National Vietnam Veterans Readjustment Study there are differences among Hispanic, African American, and White Vietnam Theater Veterans in terms of readjustment after military service. Both Hispanic

and African American male Vietnam theater Veterans had higher rates of PTSD than Whites. Rates of current PTSD in the 1990 study were 28% among Hispanics, 21% among African Americans, and 14% among Whites.

African Americans had greater exposure to war stresses and had more predisposing factors than Whites, which appeared to account for their higher rate of PTSD. After controlling for these factors, the differences in PTSD rates between Whites and African Americans largely disappeared. On the other hand, the difference in rates of PTSD between Hispanics and Whites remained even after controlling for the fact that Hispanics had greater exposure to war stresses. African Americans and Hispanics often live in communities that do not have adequate access to health care services. I again stress that veterans who live in underserved areas should have adequate access to services.

For those of us whose daily existence is not lived in harm's way, it is difficult to imagine the horrific images that American servicemen and women deployed in Iraq, Afghanistan, and other theaters of war see on a daily basis. In an instant a suicide bomber, a TIED, or an insurgent can obliterate your best friend and right in front of your face. Yet, you are trained and expected to continue on with the mission, and you do . . . you do this for your country.

Mr. Chair, according to surveys conducted of troops in Iraq, 15–20% of Army soldiers have demonstrated signs of post traumatic stress. Symptoms of this serious disorder include nightmares, flashbacks, emotional detachment, dissociation, insomnia, loss of appetite, memory loss, clinical depression, and anxiety. One year after returning from combat, approximately 35% of soldiers are seeking some kind of mental health treatment. Among soldiers still stationed in Iraq and Afghanistan, many incidents of abuse, including killings and rapes by U.S. soldiers, have been attributed to ethics lapses caused by the strain of combat.

Most people with PTSD repeatedly relive the trauma in their thoughts during the day and in nightmares when they sleep. These are called flashbacks. Flashbacks may consist of images, sounds, smells, or feelings, and are often triggered by ordinary occurrences, such as a door slamming or a car backfiring on the street. A person having a flashback may lose touch with reality and believe that the traumatic incident is happening all over again.

The current conflicts in Afghanistan and Iraq are the most continuous combat operations since Vietnam. Soldiers in Iraq are at risk for being killed or wounded themselves, are likely to have witnessed the suffering of others, and may have participated in killing or wounding others as part of combat operations. All of these activities have a demonstrated association with the development of PTSD. One study published in the American Journal of Medicine indicated that 94% of soldiers in Iraq reported receiving small-arms fire. In addition, 86% of soldiers in Iraq reported knowing someone who was seriously injured or killed, 68% reported seeing dead or seriously injured Americans, and 51% reported handling or uncovering human remains. The majority, 77%, of soldiers deployed to Iraq reported shooting or directing fire at the enemy, 48% reported being responsible for the death of an enemy combatant, and 28% reported being responsible for the death of a noncombatant. (Hoge et al., 2004).

For those of us whose daily existence is not lived in harm's way, it is difficult to imagine the horrific images that American servicemen and women deployed in Iraq, Afghanistan, and other theaters of war have faced. At the height of the insurgency, the Congressional Research Service places the number of attacks against American and coalition forces at 1,400 per day. The Armed Forces reports over, 4,000 troops have died and tens of thousands have been wounded in Operations Enduring Freedom and Iraqi Freedom. According to the Department of Defense (DOD), 36,471 military personnel were medically evacuated from Iraq between 2003 and 2007 alone.

My amendment recognizes that these soldiers are first and foremost, human. They carry their experiences with them. In order to increase access we must first increase the number of medical facilities specializing in PTSD that are located in underserved urban areas, and conducting a concurrent study on increasing access to PTSD treatment at these facilities and that those soldiers will never feel forgotten or taken for granted. These soldiers can be certain that Members of Congress will ensure that they receive the necessary treatment to guarantee that their adjustment back into society is a successful one.

As the war in Iraq continues to drag on, and with our country continuing to send military personnel to Afghanistan, the military has been overwhelmed with returning soldiers suffering from mental health problems.

I am committed to improving the lives of thousands of veterans who have risked their lives for our nation, and I believe my amendment plays a crucial role in ensuring that veterans suffering from post traumatic stress disorder receive the medical treatment they desperately need.

Mr. MCKEON. Mr. Chairman, I yield 1 minute to my friend and colleague, the chairman of the Oversight and Investigations Subcommittee, the gentleman from Virginia (Mr. WITTMAN).

Mr. WITTMAN. Mr. Chairman, I rise to speak in favor of the en bloc amendments, specifically amendment No. 124, introduced by my colleague Mr. MORAN of Virginia.

I think it is absolutely critical that this gets passed. Mr. MORAN knows the potential problems with the BRAC facility there in Alexandria if we don't limit the number of parking spaces there. He knows clearly there are a number of challenges that if not addressed in a timely fashion are going to create unacceptable traffic problems in the region.

We have worked with the Governor, and we have worked with the Congress to make sure that resources are flowing in a proper way and to make sure that we have a breather by which to put in the infrastructure to make sure that traffic can efficiently get in and out of that facility. If we're going to be creating bigger problems than what we're trying to solve with this, then we are not going to be doing what is in the best interest of the public.

Limiting the spaces there to 1,000 gives us that breathing space as well as makes sure that the Federal Government and the State government put in the necessary traffic infrastructure improvements there to make sure we can

accommodate that traffic and to make sure we aren't interfering with what is happening elsewhere.

Again, I urge my colleagues to support the amendment.

Mr. SMITH of Washington. I yield 1 minute to the gentleman from Rhode Island (Mr. LANGEVIN).

(Mr. LANGEVIN asked and was given permission to revise and extend his remarks.)

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Chairman, my amendment would basically ensure that the total cut to the National Defense Education Program does not come from its K-12 education program, which links DOD scientists and engineers with students and teachers in the Science, Technology, Engineering, and Mathematics, or STEM, fields. We know that our Nation is woefully behind in these subject matters. If we don't engage future generations to excel in these fields, it will hurt both our capability for innovation and our national security.

NDEP supports national competitions to create locally based, content-rich environments and robust learning opportunities for students and teachers with an understanding of the real-world application of the STEM fields. Just last year, 1,750 DOD scientists and engineers from 48 DOD laboratories in 26 States engaged more than 180,000 students and 8,000 teachers in outreach and informal education initiatives.

□ 1200

So, Mr. Chairman, I believe that we actually have to make investment in these STEM programs, and I encourage my colleagues to support this amendment.

Mr. MCKEON. Mr. Chairman, I yield 1 minute to my friend and colleague, the gentleman from Illinois (Mr. KINZINGER).

Mr. KINZINGER of Illinois. I thank the chairman for yielding.

I rise today in support of amendment No. 114.

A few months ago, the DOD awarded a \$99 million contract for the redesign of the flight suit. While the intentions are definitely good, at a time when we find ourselves in fiscal strains and finding ways to spend money most efficiently, I believe this isn't it.

As an Air Force pilot, somebody that wears the current flight suit, I believe—and I've talked to many of my colleagues in the military, as I currently serve, that believe the current flight suit works just fine. It serves the purpose that it was designed for and in fact does a very good job.

So again, while we're looking at ways to have efficiencies and ways to spend our money most wisely, I ask that you adopt amendment No. 114, which would stop this \$99 million redesign of the flight suit worn by only a few thousand people.

Mr. SMITH of Washington. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. First, let me thank Chairman MCKEON and also Ranking Member SMITH for agreeing to include my amendment in this en bloc amendment for consideration. I urge support for these en bloc amendments and specifically for my amendment, 117, which prohibits funding to construct permanent military bases in Iraq and Afghanistan.

I have consistently, and we have successfully, worked to include this prohibition of funding for permanent bases in Iraq and Afghanistan since 2001. Due to our efforts and the support of all of our colleagues here on a bipartisan basis who understand the importance of prohibiting permanent bases in these countries, this language has historically been included in the Defense authorization and appropriations bills and signed into law by President Bush and President Obama. In fact, in working with our colleagues, we were successful in placing the same language in the continuing resolution which was passed by the House and signed into law by President Obama in April of 2011.

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. SMITH of Washington. I yield the gentlewoman 1 additional minute.

Ms. LEE. By including this language in this bill, we are absolutely being clear that the policy of the United States in Afghanistan and Iraq has never included permanent bases and will never include permanent bases.

However, I'm disappointed that we didn't go one step further today by considering my amendment to begin a sizeable and significant reduction of our Armed Forces beginning this July so that we can begin to end the longest war in American history.

But I am urging our colleagues to support the amendment prohibiting permanent military bases in Iraq and Afghanistan. It's critical in fighting the perception held by many in Iraq and Afghanistan that we are an occupying army or that we intend to remain as an occupying force. That perception fuels the insurgency and the Taliban and makes our troops more vulnerable and further threatens our national security.

So I want to thank the chairman again and our ranking member for the time and for including this amendment in the en bloc package of amendments.

Mr. MCKEON. Mr. Chairman, I yield 1 minute to my friend and colleague, the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I stand in support of the amendment and the passage of the bill, but I want to raise a point which is of great concern to me as an appropriator and as a fiscal conservative, and that is the Pentagon's practice—and it's being practiced by the Obama administration—of putting the war on terrorism money for Afghanistan and Iraq and other places around the globe off the military budget.

We are debating a budget today which is about \$550 billion, but there is another \$120 billion which goes under Overseas Contingency Operations which we do not debate or scrutinize nearly as much as we should. What that money does is actually brings us to a military spending bill that is not in the 500 billions but is \$670 billion.

A lot of that money is not going to emergency spending but ongoing operations. Did anybody last year think we were going to be out of Afghanistan or Iraq this year? No. That money should be in their base budget.

As a member of the Defense appropriations committee, I have submitted language on our bill to straighten this out, and I hope that Congress will take a look at it down the road. I do support this amendment, however, and I thank the gentleman from California for the time.

Mr. LARSEN of Washington. Mr. Chair, I rise today to speak about my amendment to the Defense Authorization bill.

This amendment establishes a Global Contingency Security Fund, jointly administered by the Department of State and Department of Defense.

This fund is meant to build the capacity of foreign nations to combat terrorist organizations and to stabilize their regions, goals consistent with U.S. national security interests. The defense and security infrastructure of foreign nations varies and this fund provides State and DOD the flexibility necessary to provide training and equipment to our foreign partners where it will have the best effect.

My amendment spends no new money—rather, it allows resources to be pooled from existing monies available to State and DOD.

Additionally, it requires that human rights and legitimate civilian authority and governments are respected in every activity and use of the fund.

The best thing we can do to stabilize and strengthen volatile regions of the globe is to build partner capacity, something my amendments aims to achieve.

I thank Armed Services Committee Chair MCKEON and Ranking Member SMITH and Foreign Affairs Committee Chair ROS-LEHTINEN and Ranking Member BERMAN for their support and cosponsorship of the amendment.

Mr. SMITH of Washington. Mr. Chairman, I yield back the balance of my time.

Mr. MCKEON. I ask my colleagues to support these amendments, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendments en bloc offered by the gentleman from California (Mr. MCKEON).

The en bloc amendments were agreed to.

AMENDMENTS EN BLOC NO. 5 OFFERED BY MR. MCKEON

Mr. MCKEON. Mr. Chairman, pursuant to H. Res. 276, I offer amendments en bloc.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 5 consisting of amendment Nos. 127, 128, 129, 130, 131, 132, 133, 135, 136, 137, 138, 139, 140, 142, 46, 143, 144, 145, 146, and 147 printed in

House Report 112-88 offered by Mr. McKEON:

AMENDMENT NO. 127 OFFERED BY MR. NUGENT

At end of subtitle C of title V, add the following new section:

SEC. 527. RETROACTIVE AWARD OF ARMY COMBAT ACTION BADGE.

(a) **AUTHORITY TO AWARD.**—The Secretary of the Army may award the Army Combat Action Badge (established by order of the Secretary of the Army through Headquarters, Department of the Army Letter 600-05-1, dated June 3, 2005) to a person who, while a member of the Army, participated in combat during which the person personally engaged, or was personally engaged by, the enemy at any time during the period beginning on December 7, 1941, and ending on September 18, 2001 (the date of the otherwise applicable limitation on retroactivity for the award of such decoration), if the Secretary determines that the person has not been previously recognized in an appropriate manner for such participation.

(b) **PROCUREMENT OF BADGE.**—The Secretary of the Army may make arrangements with suppliers of the Army Combat Action Badge so that eligible recipients of the Army Combat Action Badge pursuant to subsection (a) may procure the badge directly from suppliers, thereby eliminating or at least substantially reducing administrative costs for the Army to carry out this section.

AMENDMENT NO. 128 OFFERED BY MR. PEARCE

At the end of title VIII, add the following new section:

SEC. 845. ASSESSMENT OF DEPARTMENT OF DEFENSE CONTRACTING ACTIONS AND THE IMPACT ON SMALL BUSINESSES.

(a) **ASSESSMENT REQUIRED.**—The Inspector General of the Department of Defense shall conduct an assessment of consolidated contracting actions of the Department of Defense relating to base services and construction activities from October 2009 through October 2011 to ensure the Department's compliance with the provisions of the Small Business Jobs Act of 2010 (Public Law 111-240). The assessment shall, at a minimum, examine—

(1) compliance with the Small Business Jobs Act of 2010 (Public Law 111-240), the Small Business Reauthorization Act of 1997 (Public Law 105-135), the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136) and all relevant provisions in the Federal Acquisition Regulation and the Defense Federal Acquisition Regulation Supplement;

(2) justification for contract consolidation;

(3) scope of services provided by category, contract award ceiling, and period of performance;

(4) identification of any shortages in trained acquisition personnel that may have contributed to a determination to consolidate contracting actions;

(5) potential for alternative contracting approaches that would increase small business participation;

(6) any negative impact by such contract consolidations on contracting with small business concerns; and

(7) recommendations to improve or enhance Department of Defense policy, guidance, or execution of contracting actions to ensure compliance with the Small Business Jobs Act of 2010.

(b) **BRIEFING.**—The Inspector General shall brief the congressional defense committees on the findings of the assessment required under subsection (a) not later than April 1, 2012.

AMENDMENT NO. 129 OFFERED BY MR. POMPEO

At the end of title V, add the following new section:

SEC. 5. . . . AUTHORIZATION AND REQUEST FOR AWARD OF MEDAL OF HONOR TO EMIL KAPAUN FOR ACTS OF VALOR DURING THE KOREAN WAR.

(a) **AUTHORIZATION.**—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized and requested to award the Medal of Honor posthumously under section 3741 of such title to Emil Kapaun for the acts of valor during the Korean War described in subsection (b).

(b) **ACTS OF VALOR DESCRIBED.**—The acts of valor referred to in subsection (a) are the actions of then Captain Emil Kapaun as a member of the 8th Cavalry Regiment during the Battle of Unsan on November 1 and 2, 1950, and while a prisoner of war until his death on May 23, 1951, during the Korean War.

AMENDMENT NO. 130 OFFERED BY MR. POMPEO

At the end of subtitle C of title V, add the following new section:

SEC. 5. . . . NOTIFICATION REQUIREMENT FOR DETERMINATION MADE IN RESPONSE TO REVIEW OF PROPOSAL FOR AWARD OF MEDAL OF HONOR NOT PREVIOUSLY SUBMITTED IN TIMELY FASHION.

Section 1130(b) of title 10, United States Code, is amended by adding at the end the following new sentence: "If the determination includes a favorable recommendation for the award of the Medal of Honor, the Secretary of Defense, instead of the Secretary concerned, shall make the submission under this subsection."

AMENDMENT NO. 131 OFFERED BY MR. REED

At the end of title X of division A, insert the following:

SEC. 1099C. DESIGNATION OF "TAPS" AS NATIONAL SONG OF REMEMBRANCE.

(a) **DESIGNATION.**—Chapter 3 of title 36, United States Code, is amended by adding at the end the following new section:

"§ 306. National Song of Remembrance

"(a) **DESIGNATION.**—The bugle call commonly known as 'Taps', consisting of 24 notes sounded on a bugle or trumpet performed by a solo bugler or trumpeter without accompaniment or embellishment, is the National Song of Remembrance.

"(b) **CONDUCT DURING SOUNDING.**—

"(1) **IN GENERAL.**—During a performance of 'Taps' at a military funeral, memorial service, or wreath laying—

"(A) all present, except persons in uniform, should stand at attention with the right hand over the heart;

"(B) men not in uniform should remove their headdress with their right hand and hold the headdress at the left shoulder, the hand being over the heart; and

"(C) persons in uniform should stand at attention and give the military salute at the first note of 'Taps' and maintain that position until the last note.

"(2) **EXCEPTION.**—Paragraph (1) shall not apply when 'Taps' is sounded as the final bugle call of the day at a military base.

"(c) **DEFINITION OF MILITARY BASE.**—In this section, the term 'military base' means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility."

(b) **CONFORMING AND CLERICAL AMENDMENTS.**—

(1) **CHAPTER HEADING.**—The heading of chapter 3 of title 36, United States Code, is amended to read as follows:

"CHAPTER 3—NATIONAL ANTHEM, MOTTO, AND OTHER NATIONAL DESIGNATIONS".

(2) **TABLE OF CHAPTERS.**—The item relating to chapter 3 in the table of chapters for such title is amended to read as follows:

"3. National Anthem, Motto, and Other National Designations 301".

(3) **TABLE OF SECTIONS.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"306. National Song of Remembrance."

Amend the table of contents in section 2(b) by inserting after the item relating to section 1099B the following new item:

Sec. 1099C. Designation of "Taps" as National Song of Remembrance.

AMENDMENT NO. 132 OFFERED BY MS.

RICHARDSON

Page 531, after line 2, insert the following:

SEC. 1099C. SENSE OF CONGRESS REGARDING UNITED STATES NORTHERN COMMAND PREPAREDNESS.

It is the sense of the Congress that—

(1) the United States Northern Command plays a crucial role in providing additional response capability to State and local governments in domestic disaster relief and consequence management operations;

(2) the United States Northern Command must continue to build upon its current efforts to develop command strategies, leadership training, and response plans to effectively work with civil authorities when acting as the lead agency or a supporting agency; and

(3) the United States Northern Command should leverage whenever possible training and management expertise that resides within the Department of Defense, other Federal agencies, State and local governments, and private sector businesses and academic institutions to enhance—

(A) its Defense Support to Civil Authorities and incidence management missions;

(B) relationships with other entities involved in disaster response; and

(C) its ability to respond to unforeseen events.

AMENDMENT NO. 133 OFFERED BY MR. RIGELL

Page 377, after line 7, insert the following:

SEC. 845. DEPARTMENT OF DEFENSE OPERATIONAL CONTRACT SUPPORT PLAN.

The Secretary of Defense shall develop and implement a plan to address shortfalls in operational contract support requirements determination, management, oversight, and administration. The plan shall include each of the following:

(1) The provision of operational contract support training and information-sharing roadmaps, including a description of the roles and responsibilities of the Office of the Secretary of Defense, the Joint Staff, the military departments, and defense agencies.

(2) The identification and development of training venues to incorporate appropriate operational contract support training and education for all operational contract support functions in both acquisition and non-acquisition roles.

(3) The integration of operational contract support into Department of Defense exercises and experiments.

(4) Updating and aligning Department of Defense policy, doctrine, joint capability area definitions, corresponding universal joint task lists, and agreements to address shortfalls as discrepancies in areas of operational contract support.

(5) A method of ensuring that sufficient capacity and capability to conduct operational contract support missions is addressed in the total workforce plan required by section 129a

of title 10, United States Code, as amended by this Act.

AMENDMENT NO. 135 OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

Page 825, after line 2, insert the following:

SEC. 3114. ADDITIONAL BUDGET ITEM RELATING TO GLOBAL THREAT REDUCTION INITIATIVE.

(a) **FUNDING INCREASE AND OFFSETTING REDUCTION.**—Notwithstanding the amounts set forth in the funding tables in division D—

(1) the amount authorized to be appropriated in section 3101 for defense nuclear nonproliferation, as specified in the corresponding funding table in division D, is hereby increased by \$20,000,000, with the amount of the increase allocated to the global threat reduction initiative as set forth in the table under section 4701; and

(2) the amount authorized to be appropriated in section 201 for research, development, test, and evaluation, Army, as specified in the corresponding funding table in division D, is hereby reduced by \$20,000,000, with the amount of the reduction to be derived from the Aerostat Joint Project Office as set forth in the table under section 4201.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in subsection (a)(1) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

AMENDMENT NO. 136 OFFERED BY MR. SHUSTER

At the end of subtitle A of title XII of division A of the bill, add the following:

SEC. 12xx. THREE-YEAR EXTENSION OF TEMPORARY AUTHORITY TO USE ACQUISITION AND CROSS-SERVICING AGREEMENTS TO LEND MILITARY EQUIPMENT FOR PERSONNEL PROTECTION AND SURVIVABILITY.

(a) **AUTHORITY.**—Subsection (a) of section 1202 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2412), as amended by section 1203(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4386), is further amended—

(1) in paragraph (1), by striking “Iraq or”; and

(2) in paragraph (3)—

(A) in subparagraph (A), by striking “Iraq or”; and

(B) in subparagraph (C), by striking “Iraq, Afghanistan, or” and inserting “Afghanistan or”.

(b) **EXPIRATION.**—Subsection (e) of such section, as amended by section 1204(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4623), is further amended by striking “September 30, 2011” and inserting “September 30, 2014”.

AMENDMENT NO. 137 OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

Page 594, after line 21, insert the following:

SEC. 1231. REPORT ON RUSSIAN NUCLEAR FORCES.

(a) **REPORT.**—Not later than March 1, 2012, the Secretary of Defense, in coordination with the Director of National Intelligence, shall submit to the appropriate congressional committees a report on the nuclear forces of the Russian Federation and the New START Treaty (as defined in section 1229(d)).

(b) **MATTERS INCLUDED.**—The report under section (a) shall include an assessment of the following:

(1) The assessed number of nuclear forces by category of nuclear warheads and delivery vehicles relative to New START levels by 2017 and by 2022, including potential shifts of such numbers during such periods.

(2) Options with respect to the size and composition of Russian nuclear forces that Russia is considering, including decreases below the New START levels and plans for maintaining New START levels, including options related to developing and deploying a new heavy intercontinental ballistic missile and multiple independently targetable reentry vehicle capability.

(3) Factors that are likely to influence the number and composition of Russian nuclear forces.

(4) Effects of shifts in the number and composition of Russian nuclear forces on strategic stability.

(c) **FORM.**—The report required by subsection (a) shall be submitted in unclassified form, but may include classified annex.

(d) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees;

(2) the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate; and

(3) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

AMENDMENT NO. 138 OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

Page 835, after line 18, insert the following:

SEC. 3202. ADDITIONAL FUNDING FOR DEFENSE NUCLEAR FACILITIES SAFETY BOARD.

(a) **FUNDING INCREASE.**—The amount set forth in section 3201 for the operation of the Defense Nuclear Facilities Safety Board is hereby increased by \$2,500,000.

(b) **OFFSETTING REDUCTION.**—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 101 for other procurement, Army, as specified in the corresponding funding table in division D, is hereby reduced by \$2,500,000, with the amount of the reduction to be derived from Joint Tactical Radio System Maritime-Fixed radios under Line 039 Joint Tactical Radio System as set forth in the table under section 4101.

AMENDMENT NO. 139 OFFERED BY MR. SMITH OF WASHINGTON

At the end of subtitle D of title X, insert the following:

SEC. 1043. NATIONAL SECURITY PLANNING GUIDANCE TO DENY SAFE HAVENS TO AL-QAEDA AND ITS VIOLENT EXTREMIST AFFILIATES.

(a) **PURPOSE AND FINDINGS.**—

(1) **PURPOSE.**—The purpose of this section is to improve interagency strategic planning and execution to more effectively integrate efforts to deny safe havens and strengthen at-risk states to further the goals of the National Security Strategy related to the disruption, dismantlement, and defeat of al-Qaeda and its violent extremist affiliates.

(2) **FINDINGS.**—Congress makes the following findings:

(A) In Iraq, Afghanistan, and other areas where stabilization operations are carried out, the lack of an integrated, coordinated planning effort in which the goals, objectives, and priorities of the United States effort and the roles and missions of the various agencies of the United States were clearly delineated has hampered the efforts of the United States in such operations and may have contributed to increased costs in funding, time, effort, and other terms.

(B) The fight against al-Qaeda and its violent extremist affiliates, and the threat to the United States by transnational terrorism, will continue for the foreseeable future.

(C) A key component of success in the struggle against al-Qaeda and its violent extremist affiliates is the ability to deny safe havens to al-Qaeda, its violent extremist affiliates, and other violent extremist organizations, and United States national security interests will sometimes require the United States to assist in building the capabilities of other countries and entities to deny such violent extremist organizations safe havens and to participate in regional efforts to deny such violent extremist organizations safe havens.

(b) **NATIONAL SECURITY PLANNING GUIDANCE.**—

(1) **GUIDANCE REQUIRED.**—The President shall issue classified or unclassified national security planning guidance in support of objectives stated in the national security strategy report submitted to Congress by the President pursuant to section 108 of the National Security Act of 1947 (50 U.S.C. 404a) to deny safe havens to al-Qaeda and its violent extremist affiliates and to strengthen at-risk states. Such guidance shall serve as the strategic plan that governs United States and coordinated international efforts to enhance the capacity of governmental and non-governmental entities to work toward the goal of eliminating the ability of al-Qaeda and its violent extremist affiliates to establish or maintain safe havens.

(2) **CONTENTS OF GUIDANCE.**—The guidance required under paragraph (1) shall include each of the following:

(A) A prioritized list of specified geographic areas that the President determines are necessary to address and an explicit discussion and list of the criteria or rationale used to prioritize the areas on the list, including a discussion of the conditions that would hamper the ability of the United States to strengthen at-risk states or other entities in such areas.

(B) For each specified geographic area, a description, analysis, and discussion of the core problems and contributing issues that allow or could allow al-Qaeda and its violent extremist affiliates to use the area as a safe haven from which to plan and launch attacks, engage in propaganda, or raise funds and other support, including any ongoing or potential radicalization of the population, or to use the area as a key transit route for personnel, weapons, funding, or other support.

(C) A list of short-term, mid-term, and long-term goals for each specified geographic area, prioritized by importance.

(D) A description of the role and mission of each Federal department and agency involved in executing the guidance, including the Departments of Defense, Justice, Treasury, and State and the Agency for International Development.

(E) A description of gaps in United States capabilities to meet the goals listed pursuant to subparagraph (C), and the extent to which those gaps can be met through coordination with nongovernmental, international, or private sector organizations, entities, or companies.

(3) **REVIEW AND UPDATE OF GUIDANCE.**—The President shall review and update the guidance required under paragraph (1) as necessary. Any such review shall address each of the following:

(A) The overall progress made toward achieving the goals listed pursuant to paragraph (2)(C), including an overall assessment of the progress in denying a safe haven to al-Qaeda and its violent extremist affiliates.

(B) The performance of each Federal department and agency involved in executing the guidance.

(C) The performance of the unified country team and appropriate combatant command, or in the case of a cross-border effort, country teams in the area and the appropriate combatant command.

(D) Any addition to, deletion from, or change in the order of the prioritized list maintained pursuant to paragraph (2)(A).

(4) SPECIFIED GEOGRAPHIC AREA DEFINED.—In this subsection, the term “specified geographic area” means any country, sub-national territory, or region—

(A) that serves or may potentially serve as a safe haven for al-Qaeda or a violent extremist affiliate of al-Qaeda—

(i) from which to plan and launch attacks, engage in propaganda, or raise funds and other support; or

(ii) for use as a key transit route for personnel, weapons, funding, or other support; and

(B) over which one or more governments or entities exert insufficient governmental or security control to deny al-Qaeda and its violent extremist affiliates the ability to establish a large scale presence.

(5) SUBMITTAL TO CONGRESS.—Not later than 15 days after the President issues the guidance required under paragraph (1) or reviews or updates such guidance under paragraph (3), the President shall submit to the Committees on Armed Services and Foreign Affairs of the House of Representatives and the Committees on Armed Services and Foreign Relations of the Senate a copy of such guidance.

(C) IMPLEMENTATION.—

(1) MEMORANDUM OF UNDERSTANDING REQUIRED.—The head of each agency listed in the national security planning guidance required under subsection (b) shall enter into a memorandum of understanding regarding matters related to the implementation of such guidance.

(2) MATTERS COVERED.—The memorandum of understanding required by paragraph (1) shall include each of the following:

(A) An identification of the positions supplied by each department or agency to country teams or teams and the appropriate combatant command in each specified geographic area that are critical for carrying out the national security planning guidance.

(B) The criteria used by each department or agency for the selection of appropriate personnel to fill the positions identified as critical pursuant to subparagraph (A), including the manner of soliciting the input from other departments and agencies regarding appropriate personnel and expertise.

(C) The manner in which performance in furtherance of the national security planning guidance shall be considered in evaluating the performance of personnel designated to fill the positions identified as critical pursuant to subparagraph (A), including the consideration of input from personnel from other departments and agencies who filled senior positions on the country team or relevant combatant command, in particular the appropriate United States ambassador.

(D) The manner for implementing lessons learned in the course of reviewing the performance of a country team or multiple country teams and relevant combatant command in the course of reviewing the national security planning guidance under subsection (b)(3).

(E) The manner in which disputes related to carrying out the national security planning guidance between members of the country team, the relevant combatant command, or departments and agencies shall be handled.

(3) IMPLEMENTATION OF MEMORANDUM OF UNDERSTANDING.—Not later than 120 days after the memorandum of understanding required by paragraph (1) is signed, the heads of those departments and agencies listed in the national security planning guidance shall issue such policies and guidance and prescribe such regulations as are necessary to implement the memorandum of understanding for the relevant matters pertaining to their respective departments and agencies.

(4) UPDATE AND REVIEW.—The memorandum of understanding as required under paragraph (1) shall be updated and reviewed as necessary, but at a minimum shall be reviewed with each review of the national security planning guidance under subsection (b)(3).

AMENDMENT NO. 140 OFFERED BY MR. SMITH OF WASHINGTON

Page 345, after line 8, insert the following:

SEC. 731. REPORT ON RESEARCH AND TREATMENT OF POST-TRAUMATIC STRESS DISORDER.

(a) FINDINGS.—Congress finds the following:

(1) The high-incidence rate of neurological trauma in members of the Armed Forces needs to be addressed.

(2) Critical research using neuroimaging that is concentrated on post-traumatic stress disorder offers great hope in identifying conditions allowing for a separate and distinct classification of post-traumatic stress disorder.

(3) The Telemedicine and Advanced Technology Research Center within the Army Medical Research and Materiel Command has engaged the National Resources for Neuroscience and Neuroimaging to develop collaborative and inter-agency research linking the Department of Defense and the Department of Veterans Affairs with appropriate and established university-affiliated partnerships.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report assessing the benefits of neuroimaging research in an effort to identify and increase the diagnostic properties of post-traumatic stress disorder.

AMENDMENT NO. 142 OFFERED BY MR. THORNBERRY

Page 429, after line 13, insert the following:

SEC. 965. CLARIFICATION OF STATUS OF PARTICIPANTS OF DEFENSE INDUSTRIAL BASE ACTIVE CYBER DEFENSE PILOT PROJECT.

Notwithstanding any other provision of law, any non-Government entity or personnel participating in the 90-day Defense Industrial Base Active Cyber Defense pilot project shall not be considered an agent of any local or State government or the Federal Government by reason of such participation.

AMENDMENT NO. 46 OFFERED BY MR. TIERNEY

Add at the end of subtitle I of title X the following (and conform the table of contents accordingly):

SEC. 1099C. OFFICIAL RECOGNITION OF SALEM, MASSACHUSETTS, AS THE BIRTHPLACE OF THE NATIONAL GUARD OF THE UNITED STATES.

(a) FINDINGS.—Congress makes the following findings:

(1) In 1629, Captain John Endicott organized the first militia in the Massachusetts Bay Colony in Salem.

(2) The colonists had adopted the English militia system, which required all males between the ages of 16 and 60 to possess arms and participate in the defense of the community.

(3) In 1636, the Massachusetts General Court ordered the organization of three militia regiments, designated as the North, South, and East regiments.

(4) These regiments drilled once a week and provided guard details each evening to sound the alarm in case of attack.

(5) The East Regiment, the predecessor of the 101st Engineer Battalion, assembled as a regiment for the first time in 1637 on the Salem Common, marking the beginning of the Massachusetts National Guard and the National Guard of the United States.

(6) Since 1785, Salem's own Second Corps of Cadets (101st and 102nd Field Artillery) has celebrated the anniversary of that first muster.

(7) As the policy contained in section 102 of title 32, United States Code, clearly expresses, the National Guard continues its historic mission of providing units for the first line defense of the United States and current missions throughout the world.

(8) The designation of the City of Salem, Massachusetts, as the Birthplace of the National Guard of the United States will contribute positively to tourism and economic development in the city, create jobs, and instill pride in both the local and State communities.

(b) RECOGNITION.—Section 102 of title 32, United States Code, is amended—

(1) by striking “In accordance” and inserting “(a) STATEMENT OF POLICY.—In accordance”; and

(2) by adding at the end the following new subsection:

“(b) RECOGNITION OF SALEM, MASSACHUSETTS, AS NATIONAL GUARD BIRTHPLACE.—The City of Salem, Massachusetts, the site of the first muster of a militia regiment in 1637 in what became the United States, is hereby recognized as the Birthplace of the National Guard of the United States.”.

AMENDMENT NO. 143 OFFERED BY MR. TIERNEY

At the end of subtitle I of title X, add the following new section:

SEC. 1099C. REPORT ON THE MANUFACTURING POLICY OF THE UNITED STATES.

(a) FINDINGS.—Congress finds the following:

(1) For many years, manufacturing has been the backbone of the United States economy, leading to good jobs, technological innovation, and the production of high quality commodities.

(2) In addition, the superiority of the United States manufacturing industry ensured a reliable supply of raw and finished goods to support the defense and security operations of the United States Government.

(3) Over the past few decades, the manufacturing industry of the United States and the jobs associated with it have suffered a dramatic decline as manufacturing processes have been outsourced to foreign nations.

(4) This decrease in domestic manufacturing capability has forced the Department of Defense to acquire supplies and materials necessary for the national defense from foreign companies and governments, thereby subjecting the critical defense needs of the United States to geopolitical forces beyond its control.

(b) SUBMISSION TO CONGRESS OF REPORT ON THE MANUFACTURING INDUSTRY OF THE UNITED STATES.—

(1) SUBMISSION REQUIRED.—The Secretary of Defense shall submit to Congress a report on the manufacturing industry of the United States. Such report shall be submitted as soon as is practicable, but not later than the end of the 180-day period beginning on the date of the enactment of this Act.

(2) NOTICE OF SUBMISSION.—If before the end of the 180-day period specified in paragraph (1) the Secretary determines that the

report required by that paragraph cannot be submitted by the end of such period as required by such paragraph, the Secretary shall (before the end of such period) submit to Congress a report setting forth—

(A) the reasons why the report cannot be submitted by the end of such 180-day period; and

(B) an estimated date for the submission of the report.

(3) FORM.—The report under paragraph (1) shall be submitted in an unclassified form, but may include a classified annex. Consistent with the protection of intelligence sources and methods, an unclassified summary of the key judgments of the report may be submitted.

(4) ELEMENTS.—The report submitted under paragraph (1) shall include the following:

(A) An assessment of the current manufacturing capacity of the United States as it relates to the ability of the United States to respond to both civilian and defense needs.

(B) An assessment of tax, trade, and regulatory policies as they impact the growth of the manufacturing industry in the United States.

(C) An analysis of the factors leading to the increased outsourcing of manufacturing processes to foreign nations.

(D) An analysis of the strength of the United States defense industrial base, including the security and stability of the supply chain, and an assessment of the vulnerabilities and weak points of that supply chain.

(E) An analysis of the capacity of the civilian manufacturing industry to fulfill defense manufacturing needs when necessary.

(F) An analysis of the ability of the United States to access necessary raw materials for the defense industry, including rare earth minerals.

(G) A quantitative analysis of the position of the United States relative to the global defense market.

(H) An analysis of the changes in supply-side economics resulting from shifts in globalization trends.

(I) An analysis of the vulnerability of the United States defense products that could potentially be corrupted by malicious software, such as spyware, malware, and viruses.

(J) A quantitative analysis of the risk facing the defense supply chain of the United States and the processes currently in place to manage such risk.

(c) PRESIDENTIAL REPORT ON POLICY OBJECTIVES AND UNITED STATES STRATEGY REGARDING THE UNITED STATES MANUFACTURING INDUSTRY.—

(1) REPORT REQUIRED.—As soon as is practicable, but not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report on—

(A) the objectives of United States policy regarding the manufacturing industry of the United States; and

(B) the strategy for achieving those objectives.

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(3) ELEMENTS.—The report submitted under paragraph (1) shall—

(A) address the role of diplomacy, incentives, sanctions, other punitive measures and incentives, and other programs and activities relating to the manufacturing industry of the United States for which funds are provided by Congress; and

(B) summarize United States planning regarding the range of possible United States actions in support of United States policy objectives with respect to the manufacturing industry of the United States.

AMENDMENT NO. 144 OFFERED BY MR. TIERNEY

At the end of subtitle A of title XII of division A of the bill, add the following:

SEC. 12xx. INTERAGENCY WORKING GROUP ON FOREIGN POLICE TRAINING.

(a) ESTABLISHMENT; DUTIES.—There is established an interagency working group to monitor the foreign police training programs, projects, and activities of the various Federal departments and agencies and coordinate and unify such programs, projects, and activities under a single strategic framework.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the interagency working group should establish a strategy to specify the goals of the foreign police training programs, projects, and activities described in subsection (a), the strategies for achieving such goals, and quantifiable metrics for measuring success. The strategy should also include an interagency mechanism to coordinate the actions of the Federal departments and agencies carrying out such programs, projects, and activities.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The interagency working group shall consist of representatives from the Departments of Defense, State, Justice, Homeland Security, Treasury, and Energy, the United States Agency for International Development, and the Millennium Challenge Corporation.

(2) CHAIRPERSON.—The representative from the Department of Defense shall serve as the chairperson of the interagency working group.

(d) REPORT.—The interagency working group shall submit to Congress an annual report on the activities of the interagency working group for the preceding year.

AMENDMENT NO. 145 OFFERED BY MR. TIERNEY

At the end of subtitle F of title IX, add the following new section:

SEC. 965. EXPANSION OF OVERSIGHT OFFICES IN DEPARTMENT OF DEFENSE.

(a) ASSISTANT SECRETARY OF DEFENSE FOR CONTINGENCY CONTRACTING.—Section 138(b) of title 10, United States Code, is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph:

“(7) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Contingency Contracting. The Assistant Secretary of Defense for Contingency Contracting is the principal adviser to the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics on matters relating to planning, funding, staffing, and managing contingency contracting of the Department of Defense.”

(b) REQUIREMENT TO ESTABLISH OFFICE OF CONTINGENCY CONTRACTING.—The Secretary of Defense shall rename and expand the Office of Program Support in the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics as the Office of Contingency Contracting. The Office of Contingency Contracting shall be headed by the Assistant Secretary of Defense for Contingency Contracting and shall be responsible for planning, funding, staffing, and managing contingency contracting in the Department of Defense.

AMENDMENT NO. 146 OFFERED BY MR. TURNER

Page 473, line 23, insert “or (4)” after “(2)”. Page 476, after line 8, insert the following:

(4) EXCEPTION.—The limitation in paragraph (1)(A) shall not apply with respect to activities determined by the Secretary of Defense to be necessary to ensure the continued safety, security, and reliability of the nuclear weapons stockpile.

Page 477, strike line 14 and all that follows through line 17 and insert the following:

(2) EXCEPTION.—The limitation in paragraph (1) shall not apply with respect to—

(A) the dismantlement of legacy warheads that are awaiting dismantlement on the date of the enactment of this Act or have been designated for retirement by the date of the enactment of this Act; or

(B) activities determined by the Secretary of Defense to be necessary to ensure the continued safety, security, and reliability of the nuclear weapons stockpile.

Page 478, line 3, strike “The” and insert “Except as provided by subsection (c), the”.

Page 478, line 21, strike the closed quotation mark and second period.

Page 478, after line 21, insert the following: “(c) EXCEPTION.—Subsection (a) shall not apply with respect to activities determined by the Secretary of Defense to be necessary to ensure the continued safety, security, and reliability of the nuclear weapons stockpile.”

AMENDMENT NO. 147 OFFERED BY MR. TURNER

Page 593, line 3, strike “or”.

Page 593, line 15, strike the period and insert “; or”.

Page 593, after line 15, insert the following:

(3) the reduction, consolidation, or withdrawal of such nuclear forces is—

(A) pursuant to a treaty or international agreement specifically approved with the advice and consent of the Senate pursuant to Article II, section 2, clause 2 of the Constitution; or

(B) specifically authorized by an Act of Congress.

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from California (Mr. MCKEON) and the gentleman from Washington (Mr. SMITH) each will control 10 minutes.

The Chair recognizes the gentleman from California.

Mr. MCKEON. I urge the committee to adopt the amendments en bloc, all of which have been examined by both the majority and the minority.

Mr. Chairman, I yield 1 minute to my friend and colleague, the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. I thank the gentleman from California.

Mr. Chairman, I rise in support of my revised amendment, No. 144, which will address concerns I have regarding the DOD contract bundling process.

The current DOD process encourages wrapping together projects for bid proposals. This process unfairly distributes DOD resources and often allows outside companies to get contracts on bases where local businesses have better regional and technical knowledge to perform the service. The winning bidder then subcontracts with the local businesses, often underfunding the subcontractor and pocketing the rest. The local companies in the State where the base is housed lose out on significant revenue and job opportunities.

An example of this was recently in my district. A man that makes radios and radio antennas was called by DOD, asked if he could make a radio antenna that would fit in the pocket like a cigarette package. While they were speaking on the phone, he actually built one of these. The DOD contractor asked him how much it would be. He said somewhere between \$1.50 and \$3. DOD said the lowest bid they had had for the same antenna was over \$150,000.

We run into this all of the time. At a time when we have deficits soaring, I think it's time for us to spend our money wisely and efficiently and use local contractors.

Mr. SMITH of Washington. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Chairman, I rise in support of this amendment, which incorporates four of my amendments as part of the en bloc, and I want to therefore thank Chairman MCKEON and Ranking Member SMITH for the bipartisan approach in which they have dealt with these amendments today.

One of my amendments officially recognizes Salem, Massachusetts, as the birthplace of the National Guard. Salem was the site where the country's first military regiment mustered in 1637. The militia was the foundation of what would become the National Guard.

It is in commemoration of the celebration of the men and women who serve our country and those Salem residents who came together almost 375 years ago to protect our Nation that I urge my colleagues to support this amendment. Next year will be the 375th anniversary of the first muster, and so it's particularly pleasing to see this matter passed in time to celebrate that.

In my limited time, I also want to touch on the other three amendments that are included in the en bloc. Those are good government amendments, which were the result of oversight work done by the Subcommittee on National Security which I chaired in the last two Congresses, but which reflect a good bipartisan oversight effort. These amendments will be seeking to strengthen our manufacturing and defense industrial base, will be increasing coordination of foreign police training programs which currently involve efforts by no less than seven different United States Government departments and agencies, and we will be creating a new leadership position within the Pentagon to ensure appropriate oversight on wartime contracting.

At a time when every line item in the budget is being scrutinized, these amendments are intended to make our country stronger, to make systems work better, and to make sure taxpayer dollars are spent wisely.

□ 1210

Mr. MCKEON. I reserve the balance of my time.

Mr. SMITH of Washington. Mr. Chairman, I yield 1 minute to the gentlelady from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank the ranking member for his leadership, I thank him and Chairman MCKEON for the bipartisan approach of including amendments in the en bloc, and I thank you for including my amendment in en bloc No. 4.

My amendment, No. 121, would narrow an overly broad exemption under FOIA.

We must protect certain critical security infrastructure information to keep our defense operations, properties, and facilities safe from terrorists. But we must not be overly broad in our definition. My amendment strikes a balance between safeguarding our critical infrastructure security information and the public's right to know.

Withholding certain information could endanger the public. And to give one example is the case of the Marine Corps Camp Lejeune water contamination tragedy. For three decades, thousands of marines and their families consumed tap water contaminated with chemicals, the likely cause of their cancers.

Led by Members of Congress, victims and supporters have blamed Marine Corps leadership for hiding the problem and for failing to act.

My amendment would prevent another Camp Lejeune from happening. I thank the chairman and ranking member for including it in en bloc No. 4.

Mr. MCKEON. I continue to reserve the balance of my time.

Mr. SMITH of Washington. Mr. Chairman, I yield 3 minutes to the gentlelady from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Thank you, Ranking Member.

There are three amendments on this en bloc that I have submitted and that the majority and the minority have agreed to.

The first one, No. 137, is a report on the Russian nuclear forces, and this amendment requires a report on what the Russians are doing with respect to their nuclear forces in relation to the New START, or the New Strategic Arms Reduction Treaty.

We are told that Russia will be taking a look at some of its older weapons and probably be decommissioning them, and there might be an opportunity in the coming couple of years to maybe bring down the stockpile of nuclear weapons even more below some of those limits with respect to the New START Treaty.

So this report will help to inform Congress on the opportunities and the challenges for further verifiable nuclear weapon reductions, which I believe would strengthen strategic stability, maintain a strong nuclear nonproliferation treaty, as well as enable progress on preventing the spread of nuclear weapons and nuclear bomb-grade materials. I think this is one of the biggest areas where we have a chance to make the world safer.

The second amendment that I have on this en bloc is for the Global Threat Reduction initiative, and I would like to thank the chairman for including amendment No. 135, which would increase funding for Global Threat Reduction initiative by \$20 million. Again, supported by both sides. This also will help to reduce the risk of nuclear terrorism.

The danger that nuclear materials or weapons might spread to countries hos-

tile to the United States or to terrorists represents one of the gravest dangers that we have here to the United States. So I believe that nonproliferation programs are critical to our national security and that they must be a top priority.

This funding specifically supports securing vulnerable nuclear material around the world in the next 4 years in order to prevent such deadly material from falling into the hands of the terrorists.

Again, I believe that nonproliferation programs are the most cost-effective way to achieve these goals. And that's also mirrored in the 9/11 Commission report, as well as our nuclear posture commission, which says the urgency arises from the imminent danger of nuclear terrorism if we pass a tipping point in nuclear proliferation.

The third amendment, No. 138, that I have in this en bloc is for the Defense Nuclear Facilities Safety Board, or this amendment provides for an increase of \$2.5 million for the DNFSB. Now, this funding is important because fiscal year appropriations cut it by nearly 20 percent.

So, again, I think these three are very important. I thank both the chairman and the ranking member for putting them in this en bloc.

Ms. RICHARDSON. Mr. Chair, I rise today in support of En Bloc Amendment 5 to H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012.

I thank the Rules Committee for making my amendment in order and the Armed Services Committee for its work on this important legislation.

Among the reasons why I support the En Bloc Amendment is because it includes an amendment that I offered to increase the effectiveness of the Northern Command ("NORTHCOM").

NORTHCOM was created on 1 October 2002 in the aftermath of the 11 September 2001 attacks, its mission is to protect the United States homeland and support local, state, and federal authorities.

In case of national emergencies, natural or man-made, which are happening all too frequently these days, its Air Forces Northern National Security Emergency Preparedness Directorate will take charge of the situation or event.

My amendment expresses the Sense of Congress that NORTHCOM: Develop and have in place a leadership strategy that will strengthen and foster institutional and interpersonal relationships with state and local governments and; utilize training programs to teach key personnel how to lead effectively in the event of a disaster and during uncertain times.

The purpose for NORTHCOM's existence is to bring the capabilities and the resources of the U.S. military to the assistance of the American people during a catastrophic disaster.

NORTHCOM leaders will be much more effective in saving lives, protecting assets, and enhancing resilience after the disaster has occurred if they are trained in the techniques of effective engagement with civilian leadership. My amendment represents Congress's support for such training.

I am disappointed that another amendment I offered to this bill was not made in order. This amendment would have instructed the TRANSPORTATION COMMAND (TRANSCOM) to update and expand the PORT LOOK 2008 Strategic Seaports study. Although this amendment was not made in order, I will continue to work with my colleagues to ensure that port infrastructure receives the programmatic support it deserves.

Finally, let me note my strong opposition to Section 1034 of the bill. Section 1034 is a broad and unwarranted expansion of executive power and an ill-considered enlargement of the "War on Terror."

This expansive new definition for the use of force is both unnecessary and potentially dangerous, particularly since Section 1034 does not require the President to obtain the express approval of Congress prior to using military force. I support efforts to strike this provision as the bill moves forward.

For these reasons, I urge my colleagues to support En Bloc Amendment 5 to the Defense Authorization bill.

Mr. RAHALL. Mr. Chair, as we approach this Memorial Day holiday, I am humbly reminded of the distinguished service and sacrifice of so many of our fellow Americans, who are proudly serving our country in the armed forces around the world. Many of those men and women are members of the National Guard and Reserve Components. Many are from my home state of West Virginia.

For 35 years, I have been privileged to represent the people of southern West Virginia, and it is with humble sincerity I say, our West Virginia National Guard is a model example of a commitment to excellence, and professional dedication to America's defense. From the home front to the front lines, they are a well-trained, highly dedicated force empowered by Congress to protect life and property.

Since the terrorist attacks on September 11th nearly a decade ago, we have called upon our National Guard and Reserve Components to assume more mission responsibility with far more complexity, not only here at home, but in theaters around the globe.

Our Guardsmen and Reservists are true American patriots. We have asked them time and again to mobilize and deploy with more frequency than any other time in our history.

We call upon our men and women to fulfill missions of public safety and security on and between our borders here at home, and send them to foreign lands to combat terrorism abroad. They are among the first to be called in a domestic disaster and often the last to leave a battlefield. Maintaining this ability—their capability to "turn on a dime"—does not come easy and quite frankly, it comes with much sacrifice.

Mr. Chair, the amendment I offer with my colleagues, Mr. McNerney and Mr. Young, would restore \$10 million of critical funding to the Integrated Readiness Training Program and protect what has been proven to be a very effective and very successful training and readiness initiative of the National Guard and Reserves.

This Department of Defense program was established by Congress in 1998 to assist the National Guard in building facilities to train guardsmen, but also to provide an ancillary benefits to the communities where facilities are constructed and available for other purposes. Integrated Readiness Training projects

are initiated by nonprofits, community organizations, and state and local governments.

The results are significant and have been above expectation. The cross-purpose projects have honed skills and capabilities of the Army Guard and created excellent partnerships between military branches and local community organizations, without significantly increasing training costs.

The Army National Guard supplemental federal funding requests have consistently surpassed \$10 million annually. Cutting funding by 50 percent, as the underlying bill proposes to do, would drastically jeopardize current IRT commitments to organizations such as the Boy Scouts of America. It would reduce current and future training abilities, and diminish opportunities for our soldiers to interact directly with civilian agencies to provide a service or accomplish a mission.

Changing the process for budgeting for IRT projects at this point would disrupt projects already being negotiated and penalize our National Guard and Reserve Components.

I urge my colleagues to support Amendment 133. We have a responsibility to respectfully and gratefully fulfill our duty to support the integrity and intent of our Guard and Reserve forces, and effectively support and acknowledge the great sacrifice so many willingly make for all of us.

Mr. NUGENT. Mr. Chair, in keeping with the spirit of the Warrior Ethos, on May 2, 2005, the Department of the Army authorized the creation of the Combat Action Badge. The Combat Action Badge provides special recognition to Soldiers who personally engaged the enemy, or are engaged by the enemy during combat operations.

The bayonet and grenade on the badge are associated with active combat. The oak wreath on the badge signifies strength and loyalty.

Unfortunately, current Army policy limits eligibility to those individuals who meet the criteria of the Combat Action Badge after September 18, 2001. In doing so, it overlooks the thousands of veterans who made similar sacrifices in previous wars.

This legislation would expand the eligibility for the Combat Action Badge to include those who served honorably from December 7, 1941 to September 18, 2001.

Additionally, in accordance with the wishes of those veterans who first pursued this legislation, the costs of the Combat Action Badge would be borne by these individuals, not the military. Therefore, this measure costs American taxpayers nothing.

In closing, it is important to mention that our nation's veterans have made tremendous sacrifices in defense of our freedom. As a nation, we owe our veterans a debt that can never fully be repaid.

Mr. SMITH of Washington. I have no further requests for time, and I yield back the balance of my time.

Mr. MCKEON. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendments en bloc offered by the gentleman from California (Mr. MCKEON).

The en bloc amendments were agreed to.

AMENDMENTS EN BLOC NO. 6 OFFERED BY MR. MCKEON

Mr. MCKEON. Mr. Chairman, pursuant to H. Res. 276, I offer amendments en bloc.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 6 consisting of amendment Nos. 18, 20, 84, 22, 23, 57, 72, 96, 150, 151, and 149 printed in House Report 112-88 offered by Mr. MCKEON of California:

AMENDMENT NO. 18 OFFERED BY MR. BOSWELL

Page 316, line 15, in section 646 relating to the enhanced commissary stores pilot program, strike "(e)" and insert the following:

"(e) SUBSTANCE ABUSE PREVENTION PROGRAMS.—On account of the types of merchandise authorized to be sold in an enhanced commissary store, the Secretary of Defense may use amounts retained under subsection (d)(1) for the enhanced commissary store to support substance abuse prevention programs for patrons of the store while ensuring that the store receives necessary operating funds."

"(f)".

AMENDMENT NO. 20 OFFERED BY MR. BOSWELL

Page 345, after line 8, insert the following:

SEC. 731. STUDY ON BREAST CANCER AMONG MEMBERS OF THE ARMED FORCES AND VETERANS.

(a) STUDY.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly conduct a study on the incidence of breast cancer among members of the Armed Forces (including members of the National Guard and reserve components) and veterans. Such study shall include the following:

(1) A determination of the number of members and veterans diagnosed with breast cancer.

(2) A determination of demographic information regarding such members and veterans, including—

(A) race;

(B) ethnicity;

(C) sex;

(D) age;

(E) possible exposure to hazardous elements or chemical or biological agents (including any vaccines) and where such exposure occurred;

(F) the locations of duty stations that such member or veteran was assigned;

(G) the locations in which such member or veteran was deployed; and

(H) the geographic area of residence prior to deployment.

(3) An analysis of breast cancer treatments received by such members and veterans.

(4) Other information the Secretaries consider necessary.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report containing the results of the study required under subsection (a).

(c) FUNDING INCREASE AND OFFSETTING REDUCTION.—Notwithstanding the amounts set forth in the funding tables in division D—

(1) the amount authorized to be appropriated in section 1406 for the Defense Health Program, as specified in the corresponding funding table in division D, is hereby increased by \$10,000,000, with the amount of the increase allocated to the Defense Health Program, as set forth in the table under section 4501, to carry out this section;

(2) the amount authorized to be appropriated in section 101 for other procurement, Navy, as specified in the corresponding funding table in division D, is hereby reduced by \$8,800,000, with the amount of the reduction to be derived from Joint Tactical Radio System Maritime-Fixed radios under Line 075 Shipboard Tactical Communications as set forth in the table under section 4101; and

(3) the amount authorized to be appropriated in section 101 for other procurement,

Air Force, as specified in the corresponding funding table in division D, is hereby reduced by \$1,200,000, with the amount of the reduction to be derived from Joint Tactical Radio System Maritime-Fixed radios under Line 049 Tactical Communications-Electronic Equipment as set forth in the table under section 4101.

AMENDMENT NO. 84 OFFERED BY MR. BOSWELL

Page 113, after line 17, insert the following:
(g) SENSE OF CONGRESS.—It is the sense of Congress that favorable consideration of energy-efficient or energy reduction technologies or processes under this section should include a focus on alternative, self-sufficient energy sources that reduce costs in the long term.

AMENDMENT NO. 22 OFFERED BY MR. PASCRELL

Page 345, after line 8, insert the following:
SEC. 731. TRANSFER OF DEFENSE CENTERS OF EXCELLENCE FOR PSYCHOLOGICAL HEALTH AND TRAUMATIC BRAIN INJURY.

(a) IN GENERAL.—The Secretary of Defense shall develop a plan to transfer the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury from the TRICARE Management Activity to a military department, as determined by the Secretary.

(b) NOTIFICATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall notify the congressional defense committees of the plan under subsection (a), including the military department determined by the Secretary.

AMENDMENT NO. 23 OFFERED BY MR. PASCRELL

Page 345, after line 8, insert the following:
SEC. 731. REPORT ON MEMORANDUM REGARDING TRAUMATIC BRAIN INJURIES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on how the Secretary will identify, refer, and treat traumatic brain injuries with respect to members of the Armed Forces who served in Operation Enduring Freedom or Operation Iraqi Freedom before the date in June, 2010, on which the memorandum regarding using a 50-meter distance from an explosion as a criterion to properly identify, refer, and treat members for potential traumatic brain injury took effect.

AMENDMENT NO. 57 OFFERED BY MRS. DAVIS OF CALIFORNIA

At the end of subtitle B of title XII of division A of the bill, add the following:

SEC. 12xx. LIMITATION ON AMOUNTS FROM AFGHANISTAN INFRASTRUCTURE FUND.

Not more than 75 percent of amounts made available to the Afghanistan Infrastructure Fund for fiscal year 2012 may be used to provide assistance to the Government of Afghanistan unless the Secretary of Defense, in consultation with the Secretary of State, determines and certifies to Congress that women in Afghanistan are an integral part of the reconciliation process between the Afghan Government and the Taliban.

AMENDMENT NO. 72 OFFERED BY MRS. DAVIS OF CALIFORNIA

At the appropriate place in the bill, insert the following:

SEC. ____ . MAINTENANCE, REPAIR, AND OVERHAUL CAPABILITY OF NAVY UNMANNED AERIAL SYSTEMS.

(a) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report on the efforts being made to establish maintenance, repair, and overhaul capability for Navy unmanned aerial systems.

AMENDMENT NO. 96 OFFERED BY MRS. DAVIS OF CALIFORNIA

Page 345, after line 8, insert the following:
SEC. 731. FREQUENCY OF REPORTS ON CONTINUED VIABILITY OF TRICARE STANDARD AND TRICARE EXTRA.

Section 711(b)(2) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 1073 note) is amended in the matter preceding subparagraph (A) by striking “bi-annual” and inserting “biennial”.

AMENDMENT NO. 150 OFFERED BY MR. YOUNG OF INDIANA

SEC. ____ . REAUTHORIZATION OF AUTHORITY TO USE FUNDS FOR REINTEGRATION ACTIVITIES IN AFGHANISTAN.

(a) AUTHORITY.—Subsection (a) of section 1216 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4392) is amended by striking “fiscal year 2011” and inserting “fiscal year 2012”.

(b) EXPIRATION.—Subsection (e) of such section is amended by striking “December 31, 2011” and inserting “December 31, 2012”.

AMENDMENT NO. 151 OFFERED BY MR. WALZ OF MINNESOTA

Page 507, after line 2, insert the following:
SEC. 1078. REPORT ON THE NATIONAL GUARD AND RESERVE COMPONENTS OF THE ARMED FORCES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the National Guard and the reserve components of the Armed Forces.

(b) MATTERS INCLUDED.—The report under subsection (a) shall include a plan to—

(1) ensure that each military department has access to trained, experienced, and ready members of the National Guard and reserve components of the Armed Forces for any mission less than war;

(2) capitalize on the gains made in the readiness of the National Guard and the reserve components during the previous 10-year period; and

(3) ensure the total force is able to sustain commitments throughout the world using the unique skills and capabilities of the National Guard and the reserve components in a predictable and consistent manner.

AMENDMENT NO. 149 OFFERED BY MR. TURNER

Strike section 911 and insert the following new section:

SEC. 911. HARMFUL INTERFERENCE TO DEPARTMENT OF DEFENSE GLOBAL POSITIONING SYSTEM.

(a) IN GENERAL.—The Federal Communications Commission shall not lift the conditions imposed on commercial terrestrial operations in the Order and Authorization adopted on January 26, 2011 (DA 11-133), or otherwise permit such operations, until the Commission has resolved concerns of widespread harmful interference by such commercial terrestrial operations to the Global Positioning System devices of the Department of Defense.

(b) NOTICE AND COMMENT ON WORKING GROUP REPORT.—Prior to permitting such commercial terrestrial operations, the Federal Communications Commission shall make available the final working group report mandated by such Order and Authorization and provide all interested parties an opportunity to comment on such report.

(c) NOTICE TO CONGRESS.—

(1) IN GENERAL.—At the conclusion of the proceeding on such commercial terrestrial operations, the Federal Communications Commission shall submit to the congressional committees described in paragraph (2) official copies of the documents containing

the final decision of the Commission regarding whether to permit such commercial terrestrial operations. If the decision is to permit such commercial terrestrial operations, such documents shall contain or be accompanied by an explanation of how the concerns described in subsection (a) have been resolved.

(2) CONGRESSIONAL COMMITTEES DESCRIBED.—The congressional committees described in this paragraph are the following:

(A) The Committee on Energy and Commerce and the Committee on Armed Services of the House of Representatives.

(B) The Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate.

MODIFICATION TO AMENDMENT NO. 18

Mr. MCKEON. Mr. Chairman, I ask unanimous consent that amendment No. 18 be modified in the form I have placed at the desk.

The Acting CHAIR. The Clerk will report the modification.

The Clerk read as follows:

At the end of section 646 (page 316, after line 21), relating to the enhanced commissary stores pilot program, add the following new subsection:

(c) SUBSTANCE ABUSE PREVENTION PROGRAMS.—

(1) AVAILABILITY OF FUNDS.—The amounts authorized to be appropriated by section 301 for operation and maintenance for Defense-wide activities, as specified in the corresponding funding table in section 4301, is increased by \$1,000,000 to support substance abuse prevention programs for patrons of enhanced commissary stores.

(2) FUNDING REDUCTION.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 201 for research, development, test, and evaluation, Army, as specified in the corresponding funding table in division D, is hereby reduced by \$1,000,000, with the amount of the reduction to be derived from the Aerostat Joint Project Office as set forth in the table under section 4201.

Mr. MCKEON (during the reading). I ask unanimous consent that the reading of the modification be dispensed with.

The Acting CHAIR. Is there objection to the request of the gentleman from California?

There was no objection.

The Acting CHAIR. Without objection, the amendment is modified.

There was no objection.

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from California (Mr. MCKEON) and the gentleman from Washington (Mr. SMITH) each will control 10 minutes.

The Chair recognizes the gentleman from California.

Mr. MCKEON. I urge the committee to adopt the amendments en bloc, all of which have been examined by both the majority and the minority.

Mr. Chairman, I yield 1 minute to my friend and colleague, the gentleman from Ohio (Mr. TURNER).

Mr. TURNER. I'd like to thank our chairman and ranking member for including amendment No. 149 and my ranking member of the Strategic Forces Subcommittee, LORETTA SANCHEZ, for joining me in an important amendment. We are deeply concerned about a commercial company,

LightSquared, that is developing a communications service that will harm our GPS system and interfere with the military's use of GPS.

The military is heavily reliant on GPS. The potential GPS interference would also affect first responders, air traffic management and safety, and commercial GPS users. The Deputy Secretary of Defense wrote to the FCC chairman that there is a "strong potential for interference to critical national security systems." We need the Federal Communications Commission to ensure that the Defense Department's concerns about GPS interference are resolved before it moves ahead with the final decision on LightSquared.

This is a bipartisan and bicameral concern.

The defense bill contains a provision addressing this concern, and the amendment I and my ranking member Ms. SANCHEZ offered strengthens this position by saying that the FCC shall not permit LightSquared operations until the commission has resolved concerns of widespread harmful interference to GPS devices used by the Department of Defense.

I also thank our colleagues on the Energy and Commerce Committee for working with us.

Mr. SMITH of Washington. I yield 2 minutes to the gentleman from Minnesota (Mr. WALZ).

Mr. WALZ of Minnesota. I thank the ranking member and the chairman for their work on this important piece of legislation.

In this en bloc amendment, I have an amendment that identified by DOD some important goals in maintaining the operational force of our Reserve and National Guard. These current conflicts have shown the Nation the incredible professionalism and the transformation from a strategic reserve to an operational reserve; and the three things that DOD identified are ensure that the armed services have access to trained, experienced, and ready Guard forces for missions short of war; capitalize on the gains made in readiness in the Reserve component; and ensure that the total force is able to sustain commitments around the world utilizing the unique skills and capabilities of the Reserve component.

What this does is it gives DOD—and it is a very limited scope—the ability to be able to access under title 10 those National Guard and Reserve forces for missions short of war at the end of the conflicts or as we wind down these conflicts.

My experience with this was after the first gulf war as our artillery units—and some of them were coming back—in training them, we ended up with no pieces of equipment and ended up taking tape and marking on the floor what a Howitzer looked like and using toilet paper rolls as the training aid for that. That is no way to maintain the incredible professionalism that we have in this force. It's no way to use the in-

vestment that we've made in this force in the proper manner. I'm very pleased that the ranking member and the chairman have agreed to put this in. I think it's the right thing to do for our security.

□ 1220

Mr. McKEON. I reserve the balance of my time.

Mr. SMITH of Washington. I yield myself the balance of my time to close. I believe, if I am correct, this is the last amendment in the process.

I just want to thank Chairman McKEON, his staff, for their outstanding leadership. As has been said many times but cannot be emphasized enough, this committee prides itself on being bipartisan, and Mr. McKEON and his staff have more than upheld that tradition. We appreciate that.

We have worked together on a large number of issues, also worked together with Members of the Congress not just on the committee, as we have seen with many of the amendments processed. We have been able to include the ideas from a great many Members, both Republican and Democrat, from across this House. And I feel we have produced an outstanding product as a result.

I also want to take a moment to recognize this is the last markup or last House Defense bill we will be sending with Secretary Gates as our Secretary of Defense. And I want to honor him for his service. He has served seven, maybe eight Presidents, both Republicans and Democrats, has done an outstanding job for this country in all of those roles, and in particular as Secretary of Defense for the last 5 years. His leadership has been outstanding for this country. I will also note that he is retiring to the State of Washington. So that, too, shows great judgment on his part. We appreciate it's been great working with him. He will be missed.

We are excited to start working with the new Secretary of Defense, Mr. Panetta, as soon as he gets confirmed and moves into that role.

So I thank the chairman. And I guess I want to conclude by thanking my staff. This is my first time as the ranking member on this committee. It is a great honor that the caucus gave me, and I absolutely could not have gotten it done without the help of the staff that we have on the Armed Services Committee, both minority and majority for that matter. So I thank them for their help and their assistance.

I urge support for the bill, and I again thank the chairman. It has been great working with him on this.

I yield back the balance of my time.

Mr. McKEON. I yield myself the balance of my time.

I want to thank my good friend. And, you know, we use that word a lot around here, but I really feel that Ranking Member SMITH is my friend. And we have worked well together on this bill. I really appreciate his seriousness, the effort that he has put in to

working, his staff. They have done an outstanding job.

I also want to echo your remarks about Secretary Gates—many, many years of outstanding dedication, devotion, of service to his Nation. I asked him what he was going to do. He said he had a long honey-do list. He was going to be working on that and probably a book.

I also want to welcome Mr. Panetta, Director Panetta, and wish him all the best on confirmation in the Senate. I look forward to working with him here as the new Secretary of Defense.

I want to thank the vice chairman of the committee, Mr. THORNBERRY, who has been a great right-hand man through all of this process, as well as all of the subcommittee chairs and ranking members for their hard work at the subcommittee level, and then helping out through this whole process.

I want to thank our staff director, Bob Simmons, and the minority staff director, Paul Arcangeli. They have been just magnificent through this process, as well as all of the staff here on the floor and those working back in their offices who worked so tirelessly on behalf of our troops, the men and women serving throughout the world in various uniforms of the service.

Mr. Chairman, I encourage all to support the bill.

Mr. PASCRELL. Mr. Chair, as Co-Chair of the Congressional Brain Injury Task Force, for the last ten years I have fought for patients with brain injuries. Traumatic brain injury (TBI) is the signature wound of the conflicts in Iraq and Afghanistan. While we made great progress on ensuring our soldiers have the best care, today we must make two corrections to better identify and treat our service members with brain injuries.

My first amendment addresses a February GAO report which found major problems in the management of the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury (DCOE) by TRICARE. My amendment would require the Secretary to transfer this agency to another appropriate branch in order for it to be more effectively managed.

My second amendment will help identify the soldiers with brain injuries who have slipped through the cracks as they returned home from the battlefield. Prior to June 2010, the Department had a disjointed screening system in which a pre-deployment service member received a computerized test, but post-deployment they filled out a paper questionnaire. My amendment today would require the Department to come up with a plan to identify, refer, and treat service members that did not benefit from the new policy that was implemented in June 2010.

We have made a promise to our men and women in uniform that we would take care of them when they returned from the battlefield. In order to do so, we need to at least identify these service members. This Memorial Day weekend we must honor our veterans by protecting the benefits they have earned and deserve. I ask that my colleagues support these amendments for their service members who are struggling with invisible wounds.

Mr. McKEON. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendments en bloc, as modified, offered by the gentleman from California (Mr. MCKEON).

The en bloc amendments, as modified, were agreed to.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 112-88 on which further proceedings were postponed, in the following order:

Amendment No. 38 by Mr. MICA of Florida.

Amendment No. 40 by Mr. FLAKE of Arizona.

Amendment No. 42 by Mr. SMITH of Washington.

Amendment No. 43 by Mr. BUCHANAN of Florida.

Amendment No. 47 by Mrs. MALONEY of New York.

Amendment No. 48 by Mr. MACK of Florida.

Amendment No. 49 by Mr. LANGEVIN of Rhode Island.

Amendment No. 50 by Mr. AMASH of Michigan.

Amendment No. 53 by Mr. CAMPBELL of California.

Amendment No. 54 by Mr. CAMPBELL of California.

Amendment No. 56 by Mr. CHAFFETZ of Utah.

Amendment No. 60 by Mr. POLIS of Colorado.

Amendment No. 61 by Mr. CONYERS of Michigan.

Amendment No. 62 by Mr. FLAKE of Arizona.

Amendment No. 63 by Mr. ELLISON of Minnesota.

Amendment No. 64 by Ms. LORETTA SANCHEZ of California.

Amendment No. 111 by Ms. JACKSON LEE of Texas.

Amendment No. 148 by Mr. TURNER of Ohio.

Amendment No. 152 by Mr. CRAVAACK of Minnesota.

Amendment No. 55 by Mr. MCGOVERN of Massachusetts.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 38 OFFERED BY MR. MICA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. MICA) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 260, noes 160, not voting 11, as follows:

[Roll No. 354]

AYES—260

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Connolly (VA)
Cooper
Costa
Costello
Cravaack
Crawford
Critz
Crowley
Cuellar
Davis (KY)
DeFazio
Denham
Dent
DesJarlais
Diaz-Balart
Dicks
Donnelly (IN)
Dreier
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Engel
Farenthold
Fincher
Fitzpatrick
Fleischmann
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)

NOES—160

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra

Berg
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)

Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hayworth
Heinrich
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kind
King (IA)
King (NY)
Kingston
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Loebbeck
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Lynch
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKinley
McMorris
Rodgers
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick

Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan

Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Conaway
Conyers
Courtney
Crenshaw
Culberson
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Doggett
Dold
Doyle
Duffy
Edwards
Ellison
Eshoo
Farr
Fattah
Fleming
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gonzalez
Green, Al
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heck
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holt

Boustany
Dingell
Filner
Flake

Honda
Hoyer
Israel
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kildee
Kinzinger (IL)
Kucinich
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lujan
Maloney
Markey
Matsui
McCollum
McDermott
McGovern
McKeon
McNerney
Meeke
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Pelosi
Perlmutter
Peters
Petri
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reyes

NOT VOTING—11

Giffords
Hastings (WA)
Jackson (IL)
Long

□ 1251

Ms. MCCOLLUM, Messrs. COHEN, ISRAEL, MARKEY, VISCLOSKEY, and AL GREEN of Texas changed their vote from “aye” to “no.”

Mr. FORBES, Mrs. HARTZLER, Mrs. BACHMANN, Ms. BERKLEY, Messrs. CARTER, INSLEE, NEAL, SESSIONS, CROWLEY, and PALAZZO changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 354, I was away from the Capital region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted “no.”

AMENDMENT NO. 40 OFFERED BY MR. FLAKE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 246, noes 172, not voting 13, as follows:

[Roll No. 355]

AYES—246

Adams	Gohmert	Nunnelee
Aderholt	Goodlatte	Olson
Akin	Gosar	Owens
Alexander	Gowdy	Palazzo
Amash	Granger	Paul
Austria	Graves (GA)	Paulsen
Bachmann	Graves (MO)	Pearce
Bachus	Griffin (AR)	Pence
Bartlett	Griffith (VA)	Perlmutter
Barton (TX)	Guinta	Peters
Bass (CA)	Guthrie	Petri
Bass (NH)	Hall	Pitts
Benishek	Hanna	Platts
Berg	Harper	Poe (TX)
Biggert	Harris	Polis
Bilirakis	Hartzler	Pompeo
Bishop (UT)	Hayworth	Posey
Black	Heck	Price (GA)
Blackburn	Hensarling	Quayle
Bonner	Herger	Rehberg
Bono Mack	Herrera Beutler	Renacci
Brady (TX)	Himes	Ribble
Brooks	Huiskamp	Rigell
Broun (GA)	Huizenga (MI)	Roby
Buchanan	Hultgren	Roe (TN)
Bucshon	Hunter	Rogers (AL)
Buerkle	Hurt	Rogers (KY)
Burgess	Insee	Rogers (MI)
Burton (IN)	Issa	Rohrabacher
Calvert	Jenkins	Rokita
Camp	Johnson (IL)	Rooney
Campbell	Johnson (OH)	Roskam
Canseco	Johnson, Sam	Ross (FL)
Cantor	Jones	Royce
Capito	Jordan	Runyan
Carney	Kind	Ryan (WI)
Carter	King (IA)	Sarbanes
Cassidy	Kingston	Schalise
Chabot	Kinzinger (IL)	Schakowsky
Chaffetz	Kline	Schilling
Chandler	Kucinich	Schmidt
Coble	Labrador	Schock
Coffman (CO)	Lamborn	Schweikert
Cohen	Lance	Scott (SC)
Cole	Landry	Scott, Austin
Conaway	Lankford	Sensenbrenner
Cooper	Latham	Sessions
Costa	LaTourette	Shimkus
Cravaack	Latta	Simpson
Crawford	Lewis (CA)	Smith (NE)
Crenshaw	LoBiondo	Smith (NJ)
Culberson	Loeb sack	Smith (TX)
Davis (KY)	Lucas	Southerland
Denham	Luetkemeyer	Speier
DesJarlais	Lummis	Stearns
Doggett	Lynch	Stivers
Dold	Mack	Sullivan
Dreier	Manzullo	Terry
Duffy	Marchant	Thompson (CA)
Duncan (SC)	Matheson	Thornberry
Duncan (TN)	Matsui	Tiberi
Edwards	McCarthy (CA)	Tierney
Ellmers	McCaul	Tipton
Emerson	McClintock	Tsongas
Eshoo	McCotter	Turner
Farenthold	McHenry	Upton
Farr	McKeon	Walberg
Fincher	McKinley	Walden
Fleischmann	McMorris	Walsh (IL)
Fleming	Rodgers	Webster
Flores	McNerney	West
Forbes	Meehan	Westmoreland
Fortenberry	Mica	Whitfield
Fox	Miller (FL)	Wilson (SC)
Frank (MA)	Miller (MI)	Wittman
Franks (AZ)	Miller, Gary	Wolf
Frelinghuysen	Mulvaney	Womack
Gallegly	Myrick	Woodall
Gardner	Nadler	Yoder
Garrett	Neugebauer	Young (FL)
Gibbs	Noem	Young (IN)
Gibson	Nugent	
Gingrey (GA)	Nunes	

NOES—172

Ackerman	Baca	Barrow
Altire	Baldwin	Becerra
Andrews	Barletta	Berkley

Berman	Hastings (FL)	Price (NC)
Bilbray	Heinrich	Quigley
Bishop (GA)	Higgins	Rahall
Bishop (NY)	Hinchee	Rangel
Blumenauer	Hinojosa	Reed
Boren	Hirono	Reichert
Boswell	Holden	Reyes
Brady (PA)	Holt	Richardson
Braley (IA)	Honda	Richmond
Brown (FL)	Hoyer	Rivera
Butterfield	Israel	Ros-Lehtinen
Capps	Jackson Lee	Ross (AR)
Capuano	(TX)	Rothman (NJ)
Cardoza	Johnson (GA)	Roybal-Allard
Carnahan	Johnson, E. B.	Ruppersberger
Carson (IN)	Kaptur	Rush
Castor (FL)	Keating	Ryan (OH)
Chu	Kelly	Sánchez, Linda
Ciçilline	Kildee	T.
Clarke (MI)	King (NY)	Sanchez, Loretta
Clarke (NY)	Kissell	Schiff
Clay	Langevin	Schrader
Cleaver	Larsen (WA)	Schwartz
Clyburn	Larson (CT)	Scott (VA)
Connolly (VA)	Lee (CA)	Scott, David
Costello	Levin	Serrano
Courtney	Lewis (GA)	Sewell
Critz	Lipinski	Sherman
Crowley	Lofgren, Zoe	Shuler
Cuellar	Lowey	Shumert
Cummings	Luján	Sires
Davis (CA)	Lungren, Daniel	Slaughter
Davis (IL)	E.	Smith (WA)
DeFazio	Maloney	Stark
DeGette	Marino	Sutton
DeLauro	Markey	Thompson (MS)
Dent	McCollum	Thompson (PA)
Deutch	McDermott	Tonko
Diaz-Balart	McGovern	Towns
Dicks	McIntyre	Van Hollen
Donnelly (IN)	Meeks	Velázquez
Doyle	Michaud	Visclosky
Ellison	Miller (NC)	Walz (MN)
Engel	Miller, George	Wasserman
Fattah	Moore	Schultz
Fitzpatrick	Moran	Waters
Fudge	Murphy (CT)	Watt
Garamendi	Murphy (PA)	Waxman
Gerlach	Napolitano	Weiner
Gonzalez	Neal	Welch
Green, Al	Pallone	Wilson (FL)
Green, Gene	Pascrell	Woolsey
Grijalva	Pastor (AZ)	Wu
Grimm	Pelosi	Yarmuth
Gutierrez	Peterson	Young (AK)
Hanabusa	Pingree (ME)	

NOT VOTING—13

Boustany	Giffords	Olver
Conyers	Hastings (WA)	Payne
Dingell	Jackson (IL)	Stutzman
Filner	Long	
Flake	McCarthy (NY)	

□ 1257

Mr. SIMPSON changed his vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 355, I was away from the Capital region attending the Civil Rights Freedom Riders’ 50th Anniversary Celebration. Had I been present, I would have voted “no.”

AMENDMENT NO. 42 OFFERED BY MR. SMITH OF WASHINGTON

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Washington (Mr. SMITH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 165, noes 253, not voting 13, as follows:

[Roll No. 356]

AYES—165

Ackerman	Grijalva	Pelosi
Amash	Gutierrez	Perlmutter
Andrews	Hanabusa	Peterson
Baca	Hastings (FL)	Pingree (ME)
Baldwin	Heinrich	Polis
Bass (CA)	Higgins	Price (NC)
Becerra	Himes	Quigley
Berman	Hinchee	Rangel
Bishop (NY)	Hinojosa	Reyes
Blumenauer	Hirono	Richardson
Brady (PA)	Holt	Richmond
Braley (IA)	Honda	Rothman (NJ)
Brown (FL)	Hoyer	Roybal-Allard
Butterfield	Insee	Ruppersberger
Capps	Israel	Rush
Capuano	Jackson Lee	Ryan (OH)
Cardoza	(TX)	Sánchez, Linda
Carnahan	Johnson (GA)	T.
Carney	Johnson, E. B.	Sarbanes
Carson (IN)	Jones	Schakowsky
Castor (FL)	Kaptur	Schiff
Chu	Keating	Schrader
Ciçilline	Kildee	Schwartz
Clarke (MI)	Kind	Scott (VA)
Clarke (NY)	Kucinich	Scott, David
Clay	Langevin	Serrano
Cleaver	Larsen (WA)	Sewell
Clyburn	Larson (CT)	Sherman
Cohen	Lee (CA)	Shuler
Connolly (VA)	Levin	Sires
Conyers	Lewis (GA)	Slaughter
Cooper	Loeb sack	Smith (WA)
Costa	Lofgren, Zoe	Speier
Costello	Lowey	Stark
Courtney	Luján	Sutton
Critz	Maloney	Thompson (CA)
Crowley	Markey	Thompson (MS)
Cummings	Matsui	Tierney
Davis (CA)	McCollum	Tonko
Davis (IL)	McDermott	Towns
DeFazio	McGovern	Tsongas
DeGette	McNerney	Van Hollen
DeLauro	Meeks	Velázquez
Deutch	Michaud	Visclosky
Dicks	Miller (NC)	Walz (MN)
Doggett	Miller, George	Wasserman
Doyle	Moore	Schultz
Edwards	Moran	Waters
Ellison	Murphy (CT)	Watt
Engel	Nadler	Waxman
Eshoo	Napolitano	Weiner
Farr	Neal	Welch
Fattah	Pallone	Wilson (FL)
Garamendi	Pascrell	Woolsey
Gonzalez	Pastor (AZ)	Wu
Green, Al	Paul	Yarmuth

NOES—253

Adams	Buchanan	Dold
Aderholt	Bucshon	Donnelly (IN)
Akin	Buerkle	Dreier
Alexander	Burgess	Duffy
Altmire	Burton (IN)	Duncan (SC)
Austria	Calvert	Duncan (TN)
Bachmann	Camp	Ellmers
Bachus	Campbell	Emerson
Barletta	Canseco	Farenthold
Barrow	Cantor	Fincher
Bartlett	Capito	Fitzpatrick
Barton (TX)	Carter	Fleischmann
Bass (NH)	Cassidy	Fleming
Benishek	Chabot	Flores
Berg	Chaffetz	Forbes
Berkley	Chandler	Fortenberry
Biggert	Coble	Fox
Bilbray	Coffman (CO)	Franks (AZ)
Bilirakis	Cole	Frelinghuysen
Bishop (GA)	Conaway	Fudge
Bishop (UT)	Cravaack	Gallegly
Black	Crawford	Gardner
Blackburn	Crenshaw	Garrett
Bonner	Cuellar	Gerlach
Bono Mack	Culberson	Gibbs
Boren	Davis (KY)	Gibson
Boswell	Denham	Gingrey (GA)
Brady (TX)	Dent	Gohmert
Brooks	DesJarlais	Goodlatte
Broun (GA)	Diaz-Balart	Gosar

Gowdy Lynch
Granger Mack
Graves (GA) Manzullo
Graves (MO) Marchant
Green, Gene Marino
Griffin (AR) Matheson
Griffith (VA) McCarthy (CA)
Grimm McCaul
Guinta McClintock
Guthrie McCotter
Hall McHenry
Hanna McIntyre
Harper McKeon
Harris McKinley
Hartzler McMorris
Hayworth Rodgers
Heck Meehan
Hensarling Mica
Henger Miller (FL)
Herrera Beutler Miller (MI)
Holden Miller, Gary
Huelskamp Mulvaney
Huizenga (MI) Murphy (PA)
Hultgren Myrick
Hunter Neugebauer
Hurt Noem
Issa Nugent
Jenkins Nunes
Johnson (IL) Nunnelee
Johnson (OH) Olson
Johnson, Sam Owens
Jordan Palazzo
Kelly Paulsen
King (IA) Pearce
King (NY) Pence
Kingston Peters
Kinzinger (IL) Petri
Kissell Pitts
Kline Platts
Labrador Poe (TX)
Lamborn Pompeo
Lance Posey
Landry Price (GA)
Lankford Quayle
Latham Rahall
LaTourette Reed
Latta Rehberg
Lewis (CA) Reichert
Lipinski Renacci
LoBiondo Ribble
Lucas Rigell
Luetkemeyer Rivera
Lummis Roby
Lungren, Daniel Roe (TN)
E. Rogers (AL)

NOT VOTING—13

Boustany Giffords Olver
Dingell Hastings (WA) Payne
Filner Jackson (IL) Smith (TX)
Flake Long
Frank (MA) McCarthy (NY)

□ 1300

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 356, I was away from the Capital region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted "yes."

AMENDMENT NO. 43 OFFERED BY MR. BUCHANAN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. BUCHANAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 246, noes 173, not voting 12, as follows:

[Roll No. 357]

AYES—246

Adams Gingrey (GA)
Aderholt Gohmert
Akin Goodlatte
Alexander Gosar
Altmire Gowdy
Austria Granger
Bachmann Graves (GA)
Bachus Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hayworth
Heck
Hensarling
Henger
Herrera Beutler
Holden
Brooks
Huelskamp
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Sanchez, Loretta
Scalise
Schilling
Schmidt
Schock
Barrow
Schweikert
Bartlett
Barton (TX)
Bass (NH)
Benishak
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Brady (TX)
Brooks
Broun (GA)
Buchanan
Buchson
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Sutherland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walsh (IL)
Walsh (IN)
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—173

Ackerman
Amash
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Reed
Rehberg
Reichert
Renacci
Robby
Roe (TN)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Sanchez, Loretta
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Sutherland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

Israel
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larsen (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsock
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matsui
McCollum
McDermott
McGovern
McNerney
Sutton
Eshoo
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larsen (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsock
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matsui
McCollum
McDermott
McGovern
McNerney
Sutton
Eshoo
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee

NOT VOTING—12

Boustany
Dingell
Fattah
Filner
Flake
Giffords
Hastings (WA)
Jackson (IL)
Long
McCarthy (NY)
Olver
Payne

□ 1304

So the amendment was agreed to.
The result of the vote was announced as above recorded.

Stated for:

Ms. CAPITO. Mr. Chair, on rollcall No. 357 change my vote to an "aye." Had I been present, I would have voted "aye."

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 357, I was away from the Capital region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted "no."

AMENDMENT NO. 47 OFFERED BY MRS. MALONEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Mrs. MALONEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 91, noes 329, not voting 11, as follows:

[Roll No. 358]

AYES—91

Ackerman	Frank (MA)	Pingree (ME)
Andrews	Fudge	Polis
Baldwin	Garamendi	Rangel
Bass (CA)	Grijalva	Richardson
Berkley	Gutierrez	Roybal-Allard
Berman	Hastings (FL)	Rush
Braley (IA)	Higgins	Sánchez, Linda
Capps	Hinche	T.
Capuano	Hirono	Sánchez, Loretta
Cardoza	Holt	Schakowsky
Carson (IN)	Honda	Schrader
Chu	Kaptur	Serrano
Clarke (MI)	Kildee	Sewell
Clarke (NY)	Kissell	Slaughter
Clay	Kucinich	Speier
Cleaver	Lee (CA)	Thompson (CA)
Clyburn	Lewis (GA)	Thompson (MS)
Cohen	Lofgren, Zoe	Tierney
Conyers	Maloney	Triz
Critz	Markey	Towns
Cummings	Matsui	Tsongas
Davis (IL)	McClintock	Velázquez
DeFazio	McDermott	Waters
DeGette	McGovern	Watt
Deutch	Michaud	Waxman
Edwards	Miller, George	Weiner
Ellison	Moore	Welch
Engel	Nadler	Wilson (FL)
Eshoo	Pallone	Woolsey
Farr	Pascrell	Yarmuth
Fattah	Pelosi	

NOES—329

Adams	Cole	Griffin (AR)
Aderholt	Conaway	Griffith (VA)
Akin	Connolly (VA)	Grimm
Alexander	Cooper	Guinta
Altmire	Costa	Guthrie
Amash	Costello	Hall
Austria	Courtney	Hanabusa
Baca	Cravaack	Hanna
Bachmann	Crawford	Harper
Bachus	Crenshaw	Harris
Barletta	Crowley	Hartzler
Barrow	Cuellar	Hayworth
Bartlett	Culberson	Heck
Barton (TX)	Davis (CA)	Heinrich
Bass (NH)	Davis (KY)	Hensarling
Becerra	DeLauro	Hergert
Benishek	Denham	Herrera Beutler
Berg	Dent	Himes
Biggert	DesJarlais	Hinojosa
Bilbray	Diaz-Balart	Holden
Bilirakis	Dicks	Hoyer
Bishop (GA)	Doggett	Huelskamp
Bishop (NY)	Dold	Huizenga (MI)
Bishop (UT)	Donnelly (IN)	Hultgren
Black	Doyle	Hunter
Blackburn	Dreier	Hurt
Blumenauer	Duffy	Inslee
Bonner	Duncan (SC)	Israel
Bono Mack	Duncan (TN)	Issa
Boren	Ellmers	Jackson Lee
Boswell	Emerson	(TX)
Brady (PA)	Farenthold	Jenkins
Brady (TX)	Fincher	Johnson (GA)
Brooks	Fitzpatrick	Johnson (IL)
Brown (GA)	Fleischmann	Johnson (OH)
Brown (FL)	Fleming	Johnson, E. B.
Buchanan	Flores	Johnson, Sam
Bucshon	Forbes	Jones
Buerkle	Fortenberry	Jordan
Burgess	Fox	Keating
Burton (IN)	Franks (AZ)	Kelly
Butterfield	Frelinghuysen	Kind
Calvert	Gallely	King (IA)
Camp	Gardner	King (NY)
Campbell	Garrett	Kingston
Canseco	Gerlach	Kinzinger (IL)
Cantor	Gibbs	Kline
Capito	Gibson	Labrador
Carnahan	Gingrey (GA)	Lamborn
Carney	Gohmert	Lance
Carter	Gonzalez	Landry
Cassidy	Goodlatte	Langevin
Castor (FL)	Gosar	Lankford
Chabot	Gowdy	Larsen (WA)
Chaffetz	Granger	Larson (CT)
Chandler	Graves (GA)	Latham
Cicilline	Graves (MO)	LaTourette
Coble	Green, Al	Latta
Coffman (CO)	Green, Gene	Levin

Lewis (CA)	Paulsen	Scott (SC)
Lipinski	Pearce	Scott (VA)
LoBiondo	Pence	Scott, Austin
Loeb sack	Perlmutter	Scott, David
Lowe	Peters	Sensenbrenner
Lucas	Peterson	Sessions
Luetkemeyer	Petri	Sherman
Luján	Pitts	Shimkus
Lummis	Platts	Shuler
Lungren, Daniel	Poe (TX)	Shuster
E.	Pompeo	Simpson
Lynch	Posey	Sires
Mack	Price (GA)	Smith (NE)
Manzullo	Price (NC)	Smith (NJ)
Marchant	Quayle	Smith (TX)
Marino	Quigley	Smith (WA)
Matheson	Rahall	Southerland
McCarthy (CA)	Reed	Stark
McCaul	Rehberg	Stearns
McCollum	Reichert	Stivers
McCotter	Renacci	Stutzman
McHenry	Reyes	Sullivan
McIntyre	Ribble	Sutton
McKeon	Richmond	Terry
McKinley	Rigell	Thompson (PA)
McMorris	Rivera	Thornberry
Rodgers	Roby	Tiberi
McNerney	Roe (TN)	Tipton
Meehan	Rogers (AL)	Turner
Meeks	Rogers (KY)	Upton
Mica	Rogers (MI)	Van Hollen
Miller (FL)	Rohrabacher	Visclosky
Miller (MI)	Rokita	Walberg
Miller (NC)	Rooney	Walder
Miller, Gary	Ros-Lehtinen	Walsh (IL)
Moran	Roskam	Walz (MN)
Mulvaney	Ross (AR)	Wasserman
Murphy (CT)	Ross (FL)	Schultz
Murphy (PA)	Rothman (NJ)	Webster
Myrick	Royce	West
Napolitano	Runyan	Westmoreland
Neal	Ruppersberger	Whitfield
Neugebauer	Ryan (OH)	Wilson (SC)
Noem	Ryan (WI)	Wittman
Nugent	Sarbanes	Wolf
Nunes	Scalise	Womack
Nunnelee	Schiff	Woodall
Olson	Schilling	Wu
Owens	Schmidt	Yoder
Palazzo	Schock	Young (AK)
Pastor (AZ)	Schwartz	Young (FL)
Paul	Schweikert	Young (IN)

NOT VOTING—11

Boustany	Giffords	McCarthy (NY)
Dingell	Hastings (WA)	Olver
Filner	Jackson (IL)	Payne
Flake	Long	

□ 1309

Ms. BROWN of Florida and Mr. LOEBSACK changed their vote from “aye” to “no.”

Ms. WILSON of Florida changed her vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 358, I was away from the Capital region attending the Civil Rights Freedom Riders’ 50th Anniversary Celebration. Had I been present, I would have voted “aye.”

AMENDMENT NO. 48 OFFERED BY MR. MACK

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. MACK) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 227, noes 193, not voting 11, as follows:

[Roll No. 359]

AYES—227

Adams	Goodlatte	Nunes
Aderholt	Gosar	Nunnelee
Alexander	Gowdy	Palazzo
Altmire	Graves (GA)	Paul
Austria	Graves (MO)	Paulsen
Bachmann	Griffith (VA)	Pearce
Bachus	Grimm	Pence
Barletta	Guinta	Perlmutter
Bartlett	Guthrie	Petri
Barton (TX)	Hall	Pitts
Bass (NH)	Hanna	Poe (TX)
Benishek	Harper	Pompeo
Berg	Hartzler	Posey
Biggert	Hastings (FL)	Price (GA)
Bilbray	Hayworth	Quayle
Bilirakis	Heinrich	Reed
Black	Hensarling	Rehberg
Blackburn	Hergert	Renacci
Bonner	Herrera Beutler	Ribble
Bono Mack	Higgins	Rivera
Boren	Huelskamp	Roby
Brooks	Huizenga (MI)	Rogers (AL)
Brown (GA)	Hultgren	Rogers (KY)
Buchanan	Hunter	Rogers (MI)
Bucshon	Hurt	Rohrabacher
Buerkle	Issa	Rokita
Burgess	Jenkins	Rooney
Burton (IN)	Johnson (OH)	Ros-Lehtinen
Calvert	Johnson, Sam	Roskam
Camp	Jones	Ross (AR)
Campbell	Jordan	Ross (FL)
Canseco	Kaptur	Royce
Cantor	Kelly	Runyan
Capito	King (IA)	Rush
Cardoza	King (NY)	Ryan (WI)
Cassidy	Kingston	Sánchez, Linda
Castor (FL)	Kline	T.
Chabot	Lamborn	Scalise
Chaffetz	Lance	Schilling
Clarke (MI)	Landry	Schmidt
Coble	Lankford	Schock
Cohen	Latham	Schrader
Cole	LaTourette	Schweikert
Cooper	Latta	Scott (SC)
Costa	Lewis (CA)	Sensenbrenner
Crenshaw	LoBiondo	Sessions
Cuellar	Lucas	Shimkus
Davis (KY)	Lummis	Shuler
Denham	Lungren, Daniel	Shuster
Dent	E.	Simpson
DesJarlais	Lynch	Smith (NE)
Deutch	Mack	Smith (NJ)
Diaz-Balart	Manzullo	Smith (TX)
Dold	Marchant	Southerland
Donnelly (IN)	Marino	Speier
Duffy	Matheson	Stearns
Duncan (SC)	Matsui	Stivers
Duncan (TN)	McCarthy (CA)	Stutzman
Ellmers	McCaul	Sullivan
Emerson	McClintock	Terry
Engel	McCotter	Thompson (PA)
Farenthold	McHenry	Tiberi
Fincher	McIntyre	Tipton
Fitzpatrick	McKinley	Upton
Fleischmann	McMorris	Walberg
Fleming	Rodgers	Walden
Fortenberry	Fortenberry	Walsh (IL)
Fox	Meehan	Webster
Franks (AZ)	Mica	West
Frelinghuysen	Michaud	Westmoreland
Gallely	Miller (FL)	Whitfield
Garrett	Miller (MI)	Whitfield
Gerlach	Miller, Gary	Wilson (SC)
Gibbs	Mulvaney	Wolf
Gibson	Murphy (PA)	Womack
Gingrey (GA)	Myrick	Yoder
Gohmert	Noem	Young (FL)
	Nugent	

NOES—193

Ackerman	Berman	Butterfield
Akin	Bishop (GA)	Capps
Amash	Bishop (NY)	Capuano
Andrews	Bishop (UT)	Carnahan
Baca	Blumenauer	Carney
Baldwin	Boswell	Carson (IN)
Barrow	Brady (PA)	Carter
Bass (CA)	Brady (TX)	Chandler
Becerra	Braley (IA)	Chu
Berkley	Brown (FL)	Cicilline

Clarke (NY) Israel
Clay Jackson Lee
Cleverer (TX)
Clyburn Johnson (GA)
Coffman (CO) Johnson (IL)
Conaway Johnson, E. B.
Connolly (VA) Keating
Conyers Kildee
Costello Kind
Courtney Kinzinger (IL)
Cravaack Kissell
Crawford Kucinich
Critz Labrador
Crowley Langevin
Culberson Larsen (WA)
Cummings Larson (CT)
Davis (CA) Lee (CA)
Davis (IL) Levin
DeFazio Lewis (GA)
DeGette Lipinski
DeLauro Loeb sack
Dicks Lofgren, Zoe
Doggett Lowey
Doyle Luetkemeyer
Dreier Luján
Edwards Maloney
Ellison Markey
Eshoo McCollum
Farr McDermott
Fattah McGovern
Flores McKeon
Forbes McNerney
Frank (MA) Meeks
Fudge Miller (NC)
Garamendi Miller, George
Gardner Moore
Gonzalez Moran
Granger Murphy (CT)
Green, Al Nadler
Green, Gene Napolitano
Griffin (AR) Neal
Grijalva Neugebauer
Gutierrez Olson
Hanabusa Owens
Harris Pallone
Heck Pascarell
Himes Pastor (AZ)
Hinchey Pelosi
Hinojosa Peters
Hirono Peterson
Holden Pingree (ME)
Holt Platts
Honda Polis
Hoyer Price (NC)
Inslee Quigley

NOT VOTING—11

Boustany Giffords
Dingell Hastings (WA)
Filner Jackson (IL)
Flake Long

□ 1312

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 359, I was away from the Capital region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted "no."

AMENDMENT NO. 49 OFFERED BY MR. LANGEVIN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Rhode Island (Mr. LANGEVIN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 172, noes 246, not voting 13, as follows:

[Roll No. 360]

AYES—172

Ackerman
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carmahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleverer
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Doggett
Donnelly (IN)
Doyle
Duncan (TN)
Edwards
Ellison
Emerson
Engel
Farr
Frank (MA)
Fudge
Garamendi

NOES—246

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggart
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle

Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Coffman (CO)
Berg
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
DeFazio
Denham
Dent
DesJarlais
Diaz-Balart
Dicks
Dold
Dreier
Duffy
Duncan (SC)

Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hayworth
Heck
Hensarling
Herger
Mica
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Ross (AR)
Jones
Rothman (NJ)
Roybal-Allard
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Shuler
Sires
Slaughter
Stark
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Townes
Townes
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Wolf
Woolsey
Wu
Yarmuth

McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Herger
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Lofgren, Zoe
Lucas
Luetkemeyer
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
Matsui
McCarthy (CA)

NOT VOTING—13

Boustany Giffords
Dingell Hastings (WA)
Filner Jackson (IL)
Flake Long
McCarthy (NY)

□ 1316

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 360, I was away from the Capital region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted "aye."

AMENDMENT NO. 50 OFFERED BY MR. AMASH

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. AMASH) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 187, noes 234, not voting 10, as follows:

Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Sherman
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southernland
Speier
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Posey
Tipton
Turner
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

[Roll No. 361]

AYES—187

Ackerman
Amash
Andrews
Baca
Baldwin
Bartlett
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Campbell
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chaffetz
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Costello
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Duncan (TN)
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gibson
Gonzalez
Green, Al

Griffith (VA)
Grijalva
Gutierrez
Hanabusa
Hanna
Hastings (FL)
Heinrich
Higgins
Himes
Hinchev
Hinojosa
Hirono
Holt
Honda
Hoyer
Huelskamp
Insee
Israel
Jackson Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kucinich
Labrador
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loeb sack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McClintock
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Owens
Pallone
Pascrell
Pastor (AZ)

Paul
Pearce
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Posey
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rohrabacher
Rokita
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schradler
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woodall
Woolsey
Wu
Yarmuth

NOES—234

Adams
Aderholt
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Barletta
Barrow
Barton (TX)
Bass (NH)
Benishek
Berg
Biggart
Billray
Bilirakis
Black
Blackburn
Bonner
Bono Mack
Boren
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)

Calvert
Camp
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chandler
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier

Duffy
Duncan (SC)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)

Grimm
Guinta
Guthrie
Hall
Harper
Harris
Hartzler
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Holden
Hui zenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson

McCarthy (CA)
McCaul
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam

Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—10

Boustany
Filner
Flake
Giffords

Hastings (WA)
Jackson (IL)
Long
McCarthy (NY)

□ 1321

Mr. YOUNG of Indiana changed his vote from “aye” to “no.”

Messrs. LYNCH and ROHRABACHER changed their vote from “no” to “aye.” So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 361, I was away from the Capital region attending the Civil Rights Freedom Riders’ 50th Anniversary Celebration. Had I been present, I would have voted “aye.”

AMENDMENT NO. 53 OFFERED BY MR. CAMPBELL

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CAMPBELL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 63, noes 354, not voting 14, as follows:

[Roll No. 362]

AYES—63

Amash
Benishek
Bishop (UT)
Blackburn
Bono Mack
Burgess
Campbell
Chaffetz
Clarke (NY)
Coble
Coffman (CO)
Cooper
Davis (IL)
DeFazio
Duncan (TN)
Edwards
Gingrey (GA)
Gohmert
Goodlatte
Gowdy
Graves (GA)

Griffith (VA)
Hensarling
Huelskamp
Hui zenga (MI)
Jenkins
Johnson (IL)
Johnson (OH)
Kingston
Kucinich
Labrador
Landry
Lummis
Mack
McClintock
Mica
Miller (FL)
Mulvaney
Myrick
Paul
Pearce

Pence
Peters
Petri
Poe (TX)
Pompeo
Posey
Price (GA)
Reed
Renacci
Rokita
Royce
Rush
Schock
Schradler
Schweikert
Scott (SC)
Sensenbrenner
Stutzman
Walsh (IL)
Webster
Yoder

NOES—354

Ackerman
Adams
Aderholt
Akin
Alexander
Andrews
Austria
Baca
Bachmann
Bachus
Baldwin
Barletta
Barrow
Bartlett
Bass (CA)
Bass (NH)
Becerra
Berg
Berkley
Berman
Biggart
Billray
Bilirakis
Bishop (GA)
Bishop (NY)
Black
Blumenauer
Bonner
Boren
Boswell
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burton (IN)
Butterfield
Calvert
Camp
Canseco
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chandler
Chu
Cicilline
Clarke (MI)
Clay
Cleaver
Clyburn
Cohen
Cole
Conaway
Connolly (VA)
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw

Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (KY)
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gonzalez
Gosar
Granger
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Grimm
Guinta
Guthrie
Gutierrez
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hayworth
Heck
Heinrich
Herger
Herrera Beutler

Higgins
Himes
Hinchev
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Hultgren
Hunter
Hurt
Insee
Israel
Issa
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kissell
Kline
Lamborn
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel
E.
Lynch
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley

McMorris	Rigell	Speier	[Roll No. 363]	Lynch	Platts	Shuster
Rodgers	Rivera	Stark		Maloney	Pompeo	Simpson
McNerney	Roby	Stearns	AYES—98	Marchant	Price (NC)	Sires
Meehan	Roe (TN)	Stivers		Marino	Rahall	Slaughter
Meeks	Rogers (AL)	Sullivan		Markey	Rangel	Smith (NJ)
Michaud	Rogers (KY)	Sutton		Matheson	Reichert	Smith (TX)
Miller (MI)	Rogers (MI)	Terry		Matsui	Reyes	Smith (WA)
Miller (NC)	Rohrabacher	Thompson (CA)		McCarthy (CA)	Ribble	Speier
Miller, Gary	Rooney	Thompson (MS)		McCaul	Richardson	Sullivan
Miller, George	Ros-Lehtinen	Thompson (PA)		McCollum	Richmond	Sutton
Moore	Roskam	Thornberry		McCotter	Rigell	Terry
Moran	Ross (AR)	Tiberi		McDermott	Rivera	Thompson (CA)
Murphy (CT)	Ross (FL)	Tierney		McGovern	Roby	Thompson (MS)
Murphy (PA)	Rothman (NJ)	Tipton		McIntyre	Roe (TN)	Thompson (PA)
Nadler	Roybal-Allard	Tonko		McKeon	Rogers (AL)	Thornberry
Napolitano	Runyan	Towns		McKinley	Rogers (MI)	Tierney
Neal	Ruppersberger	Tsongas		McMorris	Rohrabacher	Tipton
Neugebauer	Ryan (OH)	Turner		Rodgers	Rooney	Tonko
Noem	Ryan (WI)	Upton		McNerney	Ros-Lehtinen	Towns
Nugent	Sánchez, Linda	Van Hollen		Meehan	Roskam	Tsongas
Nunes	T.	Velázquez		Meeks	Ross (AR)	Turner
Nunnelee	Sanchez, Loretta	Visclosky		Michaud	Ross (FL)	Upton
Olson	Sarbanes	Walberg		Miller (MI)	Rothman (NJ)	Van Hollen
Owens	Scalise	Walden		Miller (NC)	Roybal-Allard	Velázquez
Palazzo	Schakowsky	Walz (MN)		Miller, Gary	Runyan	Ruppersberger
Pallone	Schiff	Wasserman		Miller, George	Roybal-Allard	Ryan (OH)
Pascrell	Schilling	Watt		Moore	Ryan (WI)	Sánchez, Linda
Pastor (AZ)	Schmidt	Waters		Moran	Sánchez, Linda	T.
Paulsen	Schwartz	Watt		Murphy (CT)	Myrick	Sanchez, Loretta
Pelosi	Scott (VA)	Waxman		Murphy (PA)	Napolitano	Sarbanes
Perlmutter	Scott, Austin	Weiner		Neal	Noem	Scalise
Peterson	Scott, David	Welch		Noem	Nugent	Schakowsky
Pingree (ME)	Serrano	West		Nugent	Nunes	Schiff
Pitts	Sessions	Westmoreland		Nunes	Olson	Schilling
Platts	Sewell	Whitfield		Olson	Owens	Schmidt
Polis	Sherman	Wilson (FL)		Owens	Palazzo	Schrader
Price (NC)	Shimkus	Wilson (SC)		Pallone	Pallone	Schwartz
Quayle	Shuler	Wittman		Pascrell	Pastor (AZ)	Schweikert
Quigley	Shuster	Wolf		Pearce	Pearce	Scott (VA)
Rahall	Simpson	Womack		Pelosi	Pelosi	Scott, Austin
Rangel	Sires	Woodall		Perlmutter	Perlmutter	Scott, David
Rehberg	Slaughter	Woolsey		Peterson	Peterson	Serrano
Reichert	Smith (NE)	Wu		Petri	Petri	Sessions
Reyes	Smith (NJ)	Yarmuth		Pingree (ME)	Pingree (ME)	Sewell
Ribble	Smith (TX)	Young (AK)				Sherman
Richardson	Smith (WA)	Young (FL)				Shuler
Richmond	Southerland	Young (IN)				

NOT VOTING—14

Barton (TX)	Flake	Long
Boustany	Giffords	McCarthy (NY)
Cantor	Grijalva	Oliver
Conyers	Hastings (WA)	Payne
Filner	Jackson (IL)	

□ 1324

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 362, I was away from the Capital region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted "no."

AMENDMENT NO. 54 OFFERED BY MR. CAMPBELL

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CAMPBELL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 98, noes 321, not voting 12, as follows:

Amash	Gingrey (GA)	Pence
Bartlett	Goodlatte	Peters
Barton (TX)	Gowdy	Pitts
Benishek	Graves (GA)	Poe (TX)
Biggert	Griffith (VA)	Polis
Black	Guinta	Posey
Bono Mack	Huelskamp	Price (GA)
Brady (TX)	Huizenga (MI)	Quayle
Broun (GA)	Johnson (IL)	Quigley
Burgess	Johnson (OH)	Reed
Burton (IN)	Johnson, Sam	Rehberg
Campbell	Jones	Renacci
Chabot	Jordan	Rogers (KY)
Chaffetz	Kingston	Rokita
Coble	Kline	Royce
Coffman (CO)	Labrador	Rush
Conyers	Landry	Schock
Culberson	Lofgren, Zoe	Scott (SC)
Davis (KY)	Lummis	Sensenbrenner
Dent	Lungren, Daniel	Shimkus
Dold	E.	Smith (NE)
Duffy	Mack	Southerland
Duncan (SC)	Manzullo	Stark
Duncan (TN)	McClintock	Stearns
Emerson	McHenry	Stivers
Farr	Mica	Stutzman
Fitzpatrick	Miller (FL)	Tiberi
Frank (MA)	Mulvaney	Walden
Garamendi	Nadler	Walsh (IL)
Gardner	Neugebauer	Westmoreland
Gerlach	Nunnelee	Whitfield
Gibbs	Paul	Woodall
Gibson	Paulsen	Yoder

NOES—321

Conaway	Hanna
Connolly (VA)	Harper
Cooper	Harris
Akin	Hartzler
Costello	Hastings (FL)
Courtney	Hayworth
Cravaack	Heck
Crawford	Heinrich
Crenshaw	Hensarling
Critz	Herger
Crowley	Herrera Beutler
Cuellar	Higgins
Cummings	Himes
Davis (CA)	Hinchey
Davis (IL)	Hinojosa
DeFazio	Hirono
DeGette	Holden
DeLauro	Holt
Denham	Honda
DesJarlais	Hoyer
Deutch	Hultgren
Diaz-Balart	Hunter
Dicks	Hurt
Dingell	Inslee
Doggett	Israel
Donnelly (IN)	Issa
Doyle	Jackson Lee
Dreier	(TX)
Edwards	Jenkins
Ellison	Johnson (GA)
Ellmers	Johnson, E. B.
Engel	Kaptur
Eshoo	Keating
Farenthold	Kelly
Fattah	Kildee
Fincher	Kind
Fleischmann	King (IA)
Fleming	King (NY)
Flores	Kinzinger (IL)
Forbes	Kissell
Fortenberry	Kucinich
Fox	Lamborn
Franks (AZ)	Lance
Frelinghuysen	Langevin
Fudge	Lankford
Gallegly	Larsen (WA)
Garrett	Larson (CT)
Gohmert	Latham
Gonzalez	LaTourette
Gosar	Latta
Granger	Lee (CA)
Graves (MO)	Levin
Green, Al	Lewis (CA)
Green, Gene	Lewis (GA)
Griffin (AR)	Lipinski
Grijalva	LoBiondo
Grimm	Loeb
Guthrie	Lowey
Gutierrez	Lucas
Hall	Luetkemeyer
Hanabusa	Lujan

NOT VOTING—12

Boustany	Giffords	McCarthy (NY)
Cantor	Hastings (WA)	Oliver
Filner	Jackson (IL)	Payne
Flake	Long	Wolf

□ 1328

Messrs. WELCH and GRIFFIN of Arkansas changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 363, I was away from the Capital region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted "no."

AMENDMENT NO. 56 OFFERED BY MR. CHAFFETZ

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Utah (Mr. CHAFFETZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 123, noes 294, not voting 14, as follows:

[Roll No. 364]

AYES—123

Amash Green, Gene
 Baldwin Grijalva
 Bass (CA) Gutierrez
 Bass (NH) Heinrich
 Benishkek Himes
 Bishop (NY) Hinchey
 Blumenauer Hinojosa
 Boswell Hirono
 Brady (PA) Holt
 Braley (IA) Honda
 Campbell Insee
 Capuano Jackson Lee
 Carson (IN) (TX)
 Chaffetz Johnson (IL)
 Chu Jones
 Cicilline Kaptur
 Clarke (MI) Kucinich
 Clarke (NY) Labrador
 Clay Larson (CT)
 Cleaver Lee (CA)
 Coble Lewis (GA)
 Cohen Lofgren, Zoe
 Conyers Lummis
 Costello Lynch
 Courtney Maloney
 Crowley Markey
 Cummings Matsui
 Davis (IL) McDermott
 DeFazio McGovern
 DeGette McNerney
 DeLauro Meeks
 Dicks Michaud
 Doggett Miller, George
 Doyle Moore
 Duncan (TN) Moran
 Edwards Mulvaney
 Ellison Nadler
 Eshoo Napolitano
 Farr Neal
 Frank (MA) Pallone
 Fudge Pastor (AZ)
 Garamendi Paul

NOES—294

Ackerman Coffman (CO)
 Adams Cole
 Aderholt Conaway
 Akin Connolly (VA)
 Alexander Cooper
 Altmire Costa
 Andrews Cravaack
 Austria Crawford
 Baca Crenshaw
 Bachmann Critz
 Bachus Cuellar
 Barletta Culberson
 Bartlett Davis (CA)
 Barton (TX) Davis (KY)
 Becerra Denham
 Berg Dent
 Berkley DesJarlais
 Berman Deutch
 Biggert Diaz-Balart
 Bilbray Dingell
 Bilirakis Dold
 Bishop (GA) Donnelly (IN)
 Bishop (UT) Dreier
 Black Duffy
 Blackburn Duncan (SC)
 Bonner Ellmers
 Bono Mack Emerson
 Boren Engel
 Brady (TX) Farenthold
 Brooks Fattah
 Brown (GA) Fincher
 Brown (FL) Fitzpatrick
 Buchanan Fleischmann
 Buchson Fleming
 Buerkle Flores
 Burgess Forbes
 Burton (IN) Fortenberry
 Butterfield Foxx
 Calvert Franks (AZ)
 Camp Frelinghuysen
 Canseco Gallegly
 Capito Gardner
 Capps Garrett
 Cardoza Gerlach
 Carnahan Gibbs
 Carney Gibson
 Carter Gingrey (GA)
 Cassidy Gohmert
 Castor (FL) Gonzalez
 Chabot Goodlatte
 Chandler Gosar
 Clyburn Gowdy

Larsen (WA) Pascrell
 Latham Paulsen
 LaTourette Pearce
 Latta Pence
 Levin Perlmutter
 Lewis (CA) Peters
 Lipinski Peterson
 LoBiondo Petri
 Loeb sack Pitts
 Lowey Platts
 Lucas Poe (TX)
 Luetkemeyer Pompeo
 Lujan Price (GA)
 Lungren, Daniel Price (NC)
 E. Quayle
 Mack Reed
 Manzullo Rehberg
 Marchant Reichert
 Marino Renacci
 Matheson Reyes
 McCarthy (CA) Ribble
 McCaul Richmond
 McClintock Rigell
 McCollum Rivera
 McCotter Roby
 McHenry Roe (TN)
 McIntyre Rogers (AL)
 McKeon Rogers (KY)
 McKinley Rogers (MI)
 McMorris Rokita
 Rodgers Rooney
 Meehan Ros-Lehtinen
 Mica Roskam
 Miller (FL) Ross (AR)
 Miller (MI) Ross (FL)
 Miller (NC) Rothman (NJ)
 Miller, Gary Royce
 Murphy (PA) Runyan
 Myrick Ruppertsberger
 Neugebauer Ryan (WI)
 Noem Scalise
 Nugent Schakowsky
 Nunes Schiff
 Nunnelee Schilling
 Olson Schmidt
 Owens Schock
 Palazzo Schwartz

NOT VOTING—14

Barrow Giffords
 Boustany Hastings (WA)
 Cantor Jackson (IL)
 Filner Long
 Flake McCarthy (NY)

□ 1331

So the amendment was rejected.
 The result of the vote was announced
 as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 364, I was
 away from the Capital region attending the
 Civil Rights Freedom Riders' 50th Anniversary
 Celebration. Had I been present, I would have
 voted "aye."

AMENDMENT NO. 60 OFFERED BY MR. POLIS

The Acting CHAIR. The unfinished
 business is the demand for a recorded
 vote on the amendment offered by the
 gentleman from Colorado (Mr. POLIS)
 on which further proceedings were
 postponed and on which the noes pre-
 vailed by voice vote.

The Clerk will redesignate the
 amendment.

The Clerk redesignated the amend-
 ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
 has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-
 minute vote.

The vote was taken by electronic de-
 vice, and there were—ayes 96, noes 323,
 answered "present" 1, not voting 11, as
 follows:

[Roll No. 365]

AYES—96

Amash Green, Gene
 Andrews Grijalva
 Baca Gutierrez
 Baldwin Hinchey
 Bass (CA) Hinojosa
 Becerra Holt
 Benishkek Honda
 Blumenauer Jackson Lee
 Braley (IA) (TX)
 Campbell Jones
 Capuano Keating
 Carson (IN) Kind
 Chaffetz Johnson (IL)
 Chu Jones
 Cicilline Kaptur
 Clarke (MI) Kucinich
 Clarke (NY) Larson (CT)
 Clay Lee (CA)
 Cleaver Lewis (GA)
 Cohen Lofgren, Zoe
 Conyers Lujan
 Cooper Lummis
 Davis (IL) Markey
 DeFazio McClintock
 Deutch McCollum
 Doggett McDermott
 Duncan (TN) McGovern
 Edwards Velazquez
 Ellison Moran
 Eshoo Nadler
 Farr Napolitano
 Fattah Pallone
 Frank (MA) Paul
 Fudge Peters
 Garamendi Petri

NOES—323

Ackerman Costa
 Adams Costello
 Aderholt Courtney
 Akin Cravaack
 Crawford Harper
 Crenshaw Harris
 Austria Hartzler
 Altmire Critz
 Bachmann Crowley
 Bachus Cuellar
 Barletta Culberson
 Barrow Cummings
 Bartlett Davis (CA)
 Barton (TX) Davis (KY)
 Bass (NH) DeGette
 Berg DeLauro
 Berkley Denham
 Berman Dent
 Biggert DesJarlais
 Bilbray Diaz-Balart
 Bilirakis Dicks
 Bishop (GA) Dingell
 Bishop (NY) Dold
 Bishop (UT) Donnelly (IN)
 Black Doyle
 Blackburn Hurt
 Bonner Duffy
 Bono Mack Duncan (SC)
 Boren Ellmers
 Boswell Emerson
 Brady (PA) Engel
 Brady (TX) Farenthold
 Brooks Fincher
 Broun (GA) Fitzpatrick
 Brown (FL) Fleischmann
 Buchanan Fleming
 Buchson Flores
 Buerkle Forbes
 Burgess Fortenberry
 Burton (IN) Foyx
 Butterfield Franks (AZ)
 Calvert Frelinghuysen
 Camp Gallegly
 Canseco Gardner
 Capito Garrett
 Capps Gerlach
 Cardoza Gibbs
 Carnahan Gibson
 Carney Gingrey (GA)
 Carson (IN) Gohmert
 Carter Gonzalez
 Cassidy Goodlatte
 Castor (FL) Gosar
 Chabot Gowdy
 Chaffetz Granger
 Chandler Graves (GA)
 Clyburn Graves (MO)
 Coble Green, Al
 Coffman (CO) Griffin (AR)
 Cole Griffith (VA)
 Conaway Grimm
 Connolly (VA) Guinta

Pingree (ME)
 Polis
 Quigley
 Reyes
 Ribble
 Richardson
 Rohrabacher
 Rush
 Ryan (OH)
 Sanchez, Linda
 T.
 Schakowsky
 Schrader
 Sensenbrenner
 Serrano
 Sires
 Slaughter
 Speier
 Stark
 Stearns
 Stivers
 Tiberi
 Tierney
 Tonko
 Velazquez
 Walsh (IL)
 Waters
 Waxman
 Weiner
 Welch
 Woolsey
 Yarmuth

Guthrie
 Hall
 Hanabusa
 Hanna
 Harper
 Harris
 Hartzler
 Hastings (FL)
 Hayworth
 Heck
 Heinrich
 Hensarling
 Herger
 Herrera Beutler
 Higgins
 Himes
 Hirono
 Holden
 Hoyer
 Huelskamp
 Huizenga (MI)
 Hultgren
 Hunter
 Hurt
 Insee
 Israel
 Issa
 Jenkins
 Johnson (GA)
 Johnson (IL)
 Johnson (OH)
 Johnson, E. B.
 Johnson, Sam
 Jordan
 Kaptur
 Kelly
 Kildee
 King (IA)
 King (NY)
 Kinzinger (IL)
 Kissell
 Kline
 Labrador
 Lamborn
 Lance
 Landry
 Langevin
 Lankford
 Larsen (WA)
 Latham
 LaTourette
 Latta
 Levin
 Lewis (CA)
 Lipinski
 LoBiondo
 Loeb sack
 Lowey
 Lucas
 Luetkemeyer

Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marino
Matheson
Matsui
McCarthy (CA)
McCaul
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pascrell
Pastor (AZ)
Paulsen
Pearce
Pelosi
Pence
Perlmutter
Peterson
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Richmond
Rigell
Rivers
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppertsberger
Ryan (WI)
Sanchez, Loretta
Sarbanes
Schalise
Schiff
Schilling
Schmidt
Schock
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David

ANSWERED "PRESENT"—1

Moore
NOT VOTING—11

Boustany
Cantor
Filner
Flake
Giffords
Hastings (WA)
Jackson (IL)
Long
McCarthy (NY)
Olver
Payne

□ 1336

Mr. WATT changed his vote from "aye" to "no."
So the amendment was rejected.
The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 365, I was away from the Capital region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted "aye."

AMENDMENT NO. 61 OFFERED BY MR. CONYERS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. CONYERS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 416, noes 5, not voting 10, as follows:

Sessions
Sewell
Sherman
Shimkus
Shuler
Simpson
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southernland
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tipton
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walberg
Walden
Walz (MN)
Wasserman
Watt
Webster
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Wu
Yoder
Young (AK)
Young (FL)
Young (IN)
Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amash
Andrews
Austria
Baca
Bachmann
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berman
Biggart
Bibray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Buchson
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio

[Roll No. 366]

AYES—416

DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchee
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jackson Lee
Jenkins

Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppertsberger
Rush
Ryan (OH)
Ryan (WI)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman
Watt
Waters
Waxman
Webster
Weiner
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Wu
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—5

Berkley
King (IA)
Moore
Moran
Rohrabacher

NOT VOTING—10

Boustany
Filner
Flake
Giffords
Hastings (WA)
Jackson (IL)
Long
McCarthy (NY)
Olver
Payne

□ 1339

Ms. HAYWORTH and Mr. HIGGINS changed their vote from "no" to "aye."
So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 366, I was away from the Capital region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted "aye."

AMENDMENT NO. 62 OFFERED BY MR. FLAKE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 269, noes 151, not voting 11, as follows:

Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loeback
Lotgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel
E.

Lynch
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen

[Roll No. 367]

AYES—269

Ackerman	Grijalva	Nunnelee
Aderholt	Pallone	Pallone
Altmire	Gutierrez	Pascrell
Amash	Harris	Pastor (AZ)
Baca	Hastings (FL)	Paul
Barton (TX)	Hayworth	Paulsen
Bass (CA)	Heinrich	Pearce
Bass (NH)	Hensarling	Pelosi
Becerra	Herrera Beutler	Pence
Benishek	Higgins	Perlmutter
Berman	Himes	Peters
Bishop (GA)	Hinchev	Peterson
Bishop (NY)	Hinojosa	Petri
Black	Hirono	Pingree (ME)
Blumenauer	Holt	Pitts
Bonner	Honda	Poe (TX)
Bono Mack	Hoyer	Polis
Boren	Huelskamp	Pompeo
Boswell	Huizenga (MI)	Price (GA)
Brady (TX)	Hurt	Price (NC)
Bralley (IA)	Inslee	Quayle
Broun (GA)	Israel	Quigley
Bucshon	Jackson Lee	Rahall
Burgess	(TX)	Reed
Burton (IN)	Jenkins	Rehberg
Butterfield	Johnson (GA)	Renacci
Camp	Johnson (IL)	Reyes
Campbell	Johnson (OH)	Richardson
Capito	Jones	Richmond
Capps	Jordan	Rogers (MI)
Capuano	Keating	Rohrabacher
Cardoza	Kildee	Rokita
Carnahan	Kind	Ross (AR)
Carney	King (IA)	Royal-Allard
Carson (IN)	Kingston	Royce
Cassidy	Kissell	Ruppersberger
Castor (FL)	Kucinich	Sanchez, Loretta
Chabot	Labrador	Sarbanes
Chaffetz	Lance	Schakowsky
Chandler	Landry	Schiff
Chu	Langevin	Schock
Cicilline	Lankford	Schrader
Clarke (MI)	Larsen (WA)	Schwartz
Clay	Larson (CT)	Schweikert
Cleaver	LaTourette	Scott (SC)
Coble	Lee (CA)	Scott (VA)
Coffman (CO)	Levin	Scott, David
Cohen	Lewis (GA)	Sensenbrenner
Connolly (VA)	Lipinski	Serrano
Conyers	Loeb sack	Sessions
Cooper	Lofgren, Zoe	Sherman
Costa	Lowey	Shuler
Costello	Lujan	Sires
Courtney	Lummis	Slaughter
Cravaack	Lungren, Daniel	Smith (NJ)
Crowley	E.	Smith (TX)
Cuellar	Lynch	Smith (WA)
Davis (CA)	Mack	Southerland
DeFazio	Maloney	Speier
DeLauro	Manzullo	Stark
Deutch	Marchant	Stearns
Dicks	Markey	Stivers
Dingell	Matheson	Stutzman
Doggett	Matsui	Sullivan
Donnelly (IN)	McCarthy (CA)	Sutton
Duffy	McClintock	Thompson (CA)
Duncan (SC)	McCollum	Thompson (MS)
Duncan (TN)	McCotter	Tiberi
Edwards	McDermott	Tierney
Ellison	McGovern	Tonko
Ellmers	McHenry	Upton
Emerson	McIntyre	Van Hollen
Engel	McMorris	Velazquez
Eshoo	Rodgers	Visclosky
Farr	McNerney	Walberg
Fitzpatrick	Meehan	Walden
Frank (MA)	Meeks	Walsh (IL)
Garamendi	Mica	Walz (MN)
Gardner	Michaud	Waters
Garrett	Miller (MI)	Watt
Gibbs	Miller (NC)	Waxman
Gingrey (GA)	Miller, George	Weiner
Gonzalez	Moore	Welch
Goodlatte	Moran	Westmoreland
Gosar	Mulvaney	Wilson (FL)
Gowdy	Murphy (CT)	Woodall
Graves (GA)	Nadler	Woolsey
Graves (MO)	Napolitano	Wu
Green, Al	Neal	Yarmuth
Green, Gene	Nugent	Yoder
Griffith (VA)	Nunes	

NOES—151

Adams	Andrews	Bachus
Akin	Austria	Baldwin
Alexander	Bachmann	Barletta

Barrow	Gallegly	Rangel
Bartlett	Gerlach	Reichert
Berg	Gibson	Ribble
Berkley	Gohmert	Rigell
Biggart	Granger	Rivera
Bilbray	Griffin (AR)	Roby
Bilirakis	Grimm	Roe (TN)
Bishop (UT)	Guthrie	Rogers (AL)
Blackburn	Hall	Rogers (KY)
Brady (PA)	Hanabusa	Rooney
Brooks	Hanna	Ros-Lehtinen
Brown (FL)	Harper	Roskam
Buchanan	Hartzler	Ross (FL)
Buerkle	Heck	Rothman (NJ)
Calvert	Herger	Ryunan
Canseco	Holden	Rush
Carter	Hultgren	Ryan (OH)
Clarke (NY)	Hunter	Ryan (WI)
Clyburn	Issa	Sánchez, Linda
Cole	Johnson, E. B.	T.
Conaway	Johnson, Sam	Scalise
Crawford	Kaptur	Schilling
Crenshaw	Kelly	Schmidt
Critz	King (NY)	Scott, Austin
Culberson	Kinzinger (IL)	Sewell
Cummings	Kline	Shimkus
Davis (IL)	Lamborn	Shuster
Davis (KY)	Latham	Simpson
DeGette	Latta	Smith (NE)
Denham	Lewis (CA)	Terry
Dent	LoBiondo	Thompson (PA)
DesJarlais	Lucas	Thornberry
Diaz-Balart	Luetkemeyer	Tipton
Dold	Marino	Towns
Doyle	McCaul	Tsongas
Dreier	McKeon	Turner
Farenthold	McKinley	Wasserman
Fattah	Miller (FL)	Schultz
Fincher	Miller, Gary	Webster
Fleischmann	Murphy (PA)	West
Fleming	Myrick	Whitfield
Flores	Neugebauer	Wilson (SC)
Forbes	Noem	Wittman
Fortenberry	Olson	Wolf
Foxx	Owens	Womack
Franks (AZ)	Palazzo	Young (AK)
Frelinghuysen	Platts	Young (FL)
Fudge	Posey	Young (IN)

NOT VOTING—11

Boustany	Giffords	McCarthy (NY)
Cantor	Hastings (WA)	Olver
Filner	Jackson (IL)	Payne
Flake	Long	

□ 1344

Mr. GRIFFIN of Arkansas and Mr. ROONEY changed their vote from “aye” to “no.”

Ms. HAYWORTH, Mr. RICHMOND, Mr. GARRETT, and Ms. WATERS changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 367, I was away from the Capital region attending the Civil Rights Freedom Riders’ 50th Anniversary Celebration. Had I been present, I would have voted “aye.”

AMENDMENT NO. 63 OFFERED BY MR. ELLISON

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota (Mr. ELLISON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 176, noes 241, not voting 14, as follows:

[Roll No. 368]

AYES—176

Ackerman	Grijalva	Pastor (AZ)
Amash	Gutierrez	Paul
Andrews	Hanabusa	Pelosi
Baca	Hastings (FL)	Peters
Baldwin	Heinrich	Peterson
Bass (CA)	Herrera Beutler	Pingree (ME)
Becerra	Higgins	Polis
Berkley	Hinchev	Price (NC)
Berman	Hinojosa	Quigley
Bishop (NY)	Hirono	Rahall
Blumenauer	Holt	Rangel
Boren	Honda	Reyes
Boswell	Hoyer	Richardson
Brady (PA)	Huizenga (MI)	Richmond
Bralley (IA)	Inslee	Rothman (NJ)
Brown (FL)	Israel	Royal-Allard
Butterfield	Jackson Lee	Royce
Campbell	(TX)	Ruppersberger
Capps	Johnson (GA)	Rush
Capuano	Johnson, E. B.	Ryan (OH)
Cardoza	Keating	Sánchez, Linda
Carnahan	Kildee	T.
Carney	Kind	Sanchez, Loretta
Carson (IN)	Kingston	Sarbanes
Castor (FL)	Kucinich	Schakowsky
Chandler	Labrador	Schiff
Chu	Langevin	Schrader
Cicilline	Larsen (WA)	Schwartz
Clarke (MI)	Lee (CA)	Scott, David
Clarke (NY)	Levin	Serrano
Clay	Lewis (GA)	Sewell
Cleaver	Cleaver	Sherman
Clyburn	Cohen	Shuler
Cohen	Conyers	Lofgren, Zoe
Conyers	Cooper	Lowey
Cooper	Costa	Lujan
Costa	Costa	Lummis
Crowley	Crowley	Lynch
Cuellar	Cuellar	Maloney
Davis (IL)	Davis (IL)	Markey
DeFazio	DeFazio	Matheson
DeGette	DeGette	Matsui
Deutch	Deutch	McClintock
Dicks	Dicks	McCollum
Dingell	Dingell	McDermott
Doggett	Doggett	McGovern
Donnelly (IN)	Donnelly (IN)	McIntyre
Doyle	Doyle	McNerney
Duncan (TN)	Duncan (TN)	Meeks
Edwards	Edwards	Miller (NC)
Ellison	Ellison	Miller, George
Eshoo	Eshoo	Moore
Farr	Farr	Moran
Fattah	Fattah	Mulvaney
Frank (MA)	Frank (MA)	Nadler
Fudge	Fudge	Napolitano
Garamendi	Garamendi	Neal
Gonzalez	Gonzalez	Owens
Green, Al	Green, Al	Pallone
Green, Gene	Green, Gene	Pascrell

NOES—241

Adams	Burton (IN)	Dreier
Aderholt	Calvert	Duffy
Akin	Camp	Duncan (SC)
Alexander	Canseco	Ellmers
Altmire	Capito	Emerson
Austria	Carter	Engel
Bachmann	Cassidy	Farenthold
Bachus	Chabot	Fincher
Barletta	Chaffetz	Fitzpatrick
Barrow	Coble	Fleischmann
Bartlett	Coffman (CO)	Fleming
Barton (TX)	Cole	Flores
Bass (NH)	Conaway	Forbes
Benishek	Connolly (VA)	Fortenberry
Berg	Costello	Foxx
Biggart	Courtney	Franks (AZ)
Bilbray	Cravaack	Frelinghuysen
Bilirakis	Crawford	Gallegly
Bishop (UT)	Crenshaw	Gardner
Black	Critz	Garrett
Blackburn	Culberson	Gerlach
Bonner	Cummings	Gibbs
Bono Mack	Davis (CA)	Gibson
Brady (TX)	Davis (KY)	Gingrey (GA)
Brooks	DeLauro	Gohmert
Broun (GA)	Denham	Goodlatte
Buchanan	Dent	Gosar
Bucshon	DesJarlais	Gowdy
Buerkle	Diaz-Balart	Granger
Burgess	Dold	Graves (GA)

Graves (MO)	Marino	Rooney	[Roll No. 369]	Harper	McCotter	Ross (FL)
Griffin (AR)	McCarthy (CA)	Ros-Lehtinen		Harris	McHenry	Rothman (NJ)
Griffith (VA)	McCaul	Roskam	AYES—184	Hartzler	McKeon	Royce
Grimm	McCotter	Ross (AR)	Ackerman	Hayworth	McKinley	Runyan
Guinta	McHenry	Ross (FL)	Amash	Heck	McMorris	Ryan (WI)
Guthrie	McKeon	Runyan	Andrews	Hensarling	Rodgers	Scalise
Hall	McKinley	Ryan (WI)	Baca	Herger	Meehan	Schilling
Hanna	McMorris	Scalise	Baldwin	Herrera Beutler	Mica	Schmidt
Harper	Rodgers	Schilling	Bass (CA)	Huelskamp	Miller (FL)	Schock
Herger	Meehan	Schmidt	Becerra	Huizenga (MI)	Miller (MI)	Schweikert
Hartzler	Mica	Schock	Berkley	Hultgren	Miller, Gary	Scott (SC)
Hayworth	Michaud	Schweikert	Berman	Hunter	Mulvaney	Scott, Austin
Heck	Miller (FL)	Scott (SC)	Bishop (GA)	Hurt	Murphy (PA)	Sessions
Hensarling	Miller (MI)	Scott (VA)	Bishop (NY)	Issa	Myrick	Sewell
Herger	Miller, Gary	Scott, Austin	Blumenauer	Jenkins	Neugebauer	Shimkus
Himes	Murphy (CT)	Sensenbrenner	Boswell	Johnson (IL)	Noem	Shuler
Holden	Murphy (PA)	Sessions	Brady (PA)	Johnson, E. B.	Nugent	Shuster
Huelskamp	Myrick	Shimkus	Bralely (IA)	Richardson	Nunes	Simpson
Hultgren	Neugebauer	Shuster	Brown (FL)	Richmond	Nunnelee	Smith (NE)
Hunter	Noem	Simpson	Butterfield	Jordan	Olson	Smith (NJ)
Hurt	Nugent	Smith (NE)	Capps	Kaptur	Palazzo	Smith (TX)
Issa	Nunes	Smith (NJ)	Capuano	Kelly	Paulsen	Smith (TX)
Jenkins	Nunnelee	Smith (TX)	Carmahan	King (IA)	Pearce	Southerland
Johnson (IL)	Olson	Southerland	Carney	King (NY)	Pence	Stearns
Johnson (OH)	Palazzo	Stearns	Castor (FL)	Kinzinger (IL)	Pitts	Stivers
Johnson, Sam	Paulsen	Stivers	Chu	Kissell	Platts	Stutzman
Jones	Pearce	Stutzman	Cicilline	Kline	Poe (TX)	Sullivan
Jordan	Pence	Sullivan	Clarke (MI)	Labrador	Pompeo	Terry
Kaptur	Perlmutter	Sutton	Clarke (NY)	Lamborn	Posey	Thompson (PA)
Kelly	Petri	Terry	Clay	Lance	Price (GA)	Thornberry
King (IA)	Pitts	Thompson (PA)	Cleaver	Landy	Quayle	Tiberi
King (NY)	Platts	Thornberry	Clyburn	Lankford	Reed	Tipton
Kinzinger (IL)	Poe (TX)	Tiberi	Cohen	Latham	Rehberg	Turner
Kissell	Pompeo	Tipton	Connolly (VA)	LaTourette	Reichert	Walberg
Kline	Posey	Turner	Conyers	Latta	Ribble	Walsh (IL)
Lamborn	Price (GA)	Upton	Cooper	Lewis (CA)	Rigell	Webster
Lance	Quayle	Walberg	Costello	LoBiondo	Rivera	West
Landy	Reed	Walden	Courtney	Lucas	Roby	Westmoreland
Lankford	Rehberg	Walsh (IL)	Critz	Luetkemeyer	Roe (TN)	Whitfield
Larson (CT)	Reichert	Webster	Crowley	Lummis	Rogers (AL)	Wilson (SC)
Latham	Renacci	West	Cuellar	Lungren, Daniel	Rogers (KY)	Wittman
LaTourette	Ribble	Whitfield	Cummings	E.	Rogers (MI)	Wolf
Latta	Rigell	Wilson (SC)	Davis (CA)	Mack	Rohrabacher	Womack
Lewis (CA)	Rivera	Wittman	Davis (IL)	Manzullo	Rokita	Woodall
LoBiondo	Roby	Wolf	DeFazio	Marchant	Rooney	Yoder
Lucas	Roe (TN)	Womack	DeGette	Marino	Ros-Lehtinen	Young (AK)
Luetkemeyer	Rogers (AL)	Woodall	DeLauro	McCarthy (CA)	Roskam	Young (FL)
Lungren, Daniel	Rogers (KY)	Yoder	Deutch	McCaul	Ross (AR)	Young (IN)
E.	Rogers (MI)	Young (AK)	Dicks			
Mack	Rohrabacher	Young (FL)	Dingell			
Manzullo	Rokita	Young (IN)	Doggett			

NOT VOTING—14

Bishop (GA)	Giffords	McCarthy (NY)
Boustany	Hastings (WA)	Olver
Cantor	Jackson (IL)	Payne
Filner	Long	Westmoreland
Flake	Marchant	

□ 1347

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 368, I was away from the Capital region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted "aye."

AMENDMENT NO. 64 OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. LORETTA SANCHEZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 184, noes 234, not voting 13, as follows:

NOES—234

Adams	Calvert	Ellmers
Aderholt	Camp	Farenthold
Akin	Campbell	Fincher
Alexander	Canseco	Fitzpatrick
Altmire	Capito	Fleischmann
Austria	Cardoza	Fleming
Bachmann	Carson (IN)	Flores
Bachus	Carter	Forbes
Barletta	Cassidy	Fortenberry
Barrow	Chabot	Fox
Bartlett	Chaffetz	Franks (AZ)
Barton (TX)	Chandler	Frelinghuysen
Bass (NH)	Coble	Gallely
Benishek	Coffman (CO)	Gardner
Berg	Cole	Garrett
Biggart	Conaway	Gerlach
Bilbray	Costa	Gibbs
Bilirakis	Cravaack	Gibson
Bishop (UT)	Crawford	Gingrey (GA)
Black	Crenshaw	Gohmert
Blackburn	Culberson	Gosar
Bonner	Davis (KY)	Gowdy
Bono Mack	Denham	Granger
Boren	Dent	Graves (MO)
Brooks	DesJarlais	Griffin (AR)
Broun (GA)	Diaz-Balart	Grimm
Buchanan	Dold	Guinta
Bucshon	Donnelly (IN)	Guthrie
Buerkle	Dreier	Hall
Burgess	Duffy	Hanabusa
Burton (IN)	Duncan (SC)	Hanna

NOT VOTING—13

Boustany	Giffords	McCarthy (NY)
Brady (TX)	Gutierrez	Olver
Cantor	Hastings (WA)	Payne
Filner	Jackson (IL)	
Flake	Long	

□ 1350

Mrs. SCHMIDT changed her vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 369, I was away from the Capital region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted "aye."

AMENDMENT NO. 111 OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 419, noes 0, not voting 12, as follows:

[Roll No. 370]

AYES—419

Ackerman DeLauro Johnson (IL)
 Adams Denham Johnson (OH)
 Aderholt Dent Johnson, E. B.
 Akin DesJarlais Johnson, Sam
 Alexander Jones
 Altmire Diaz-Balart Jordan
 Amash Dicks Kaptur
 Andrews Dingell Keating
 Austria Doggett Kelly
 Baca Dold Kildee
 Bachmann Donnelly (IN) Kind
 Bachus Doyle King (IA)
 Baldwin Dreier King (NY)
 Barletta Duffy Kingston
 Barrow Duncan (SC) Kinzinger (IL)
 Bartlett Duncan (TN) Kissell
 Barton (TX) Edwards Kline
 Bass (CA) Ellison Kucinich
 Bass (NH) Ellmers Labrador
 Becerra Emerson Lamborn
 Benishek Engel Lance
 Berg Eshoo Landry
 Berkley Farenthold Langevin
 Berman Farr Lankford
 Biggert Fattah Larsen (WA)
 Bilbray Fincher Larson (CT)
 Bilirakis Fitzpatrick Latham
 Bishop (GA) Fleischmann LaTourette
 Bishop (NY) Fleming Latta
 Bishop (UT) Flores Lee (CA)
 Black Forbes Levin
 Blackburn Fortenberry Lewis (CA)
 Blumenauer Foxx Lewis (GA)
 Bonner Frank (MA) Lipinski
 Bono Mack Franks (AZ) LoBiondo
 Boren Frelinghuysen Loeb sack
 Boswell Fudge Lofgren, Zoe
 Brady (PA) Gallegly Lowey
 Brady (TX) Garamendi Lucas
 Braley (IA) Gardner Luetkemeyer
 Brooks Garrett Lujan
 Broun (GA) Gerlach Lummis
 Brown (FL) Gibbs Lungren, Daniel
 Buchanan Gibson E.
 Buchson Gingrey (GA)
 Buerkle Gohmert Mack
 Burgess Gonzalez Maloney
 Burton (IN) Goodlatte Manzullo
 Butterfield Gosar Marchant
 Calvert Gowdy Marino
 Camp Granger Markey
 Campbell Graves (GA) Matheson
 Canseco Graves (MO) Matsui
 Capito Green, Al McCarthy (CA)
 Capps Green, Gene McCaul
 Capuano Griffin (AR) McClintock
 Cardoza Griffith (VA) McCollum
 Carnahan Grijalva McCotter
 Carney Grimm McDermott
 Carson (IN) Guinta McGovern
 Carter Guthrie McHenry
 Cassidy Gutierrez McIntyre
 Castor (FL) Hall McKeon
 Chabot Hanabusa McKinley
 Chaffetz Hanna McMorris
 Chandler Harper Rodgers
 Chu Harris McNerney
 Cicilline Hartzler Meehan
 Clarke (MI) Hastings (FL) Meeks
 Clarke (NY) Hayworth Mica
 Clay Heck Michaud
 Cleaver Heinrich Miller (FL)
 Clyburn Hensarling Miller (MI)
 Coble Herger Miller (NC)
 Coffman (CO) Herrera Beutler Miller, Gary
 Cohen Higgins Miller, George
 Cole Himes Moore
 Conaway Hinchey Moran
 Connolly (VA) Hinojosa Mulvaney
 Cooper Hirono Murphy (CT)
 Costa Holden Murphy (PA)
 Costello Holt Myrick
 Courtney Honda Nadler
 Cravaack Hoyer Napolitano
 Crawford Huelskamp Neal
 Crenshaw Huiuzenga (MI) Neugebauer
 Critz Noem
 Crowley Hunter Nugent
 Cuellar Hurt Nunes
 Culberson Inslee Nunnelee
 Cummings Israel Olson
 Davis (CA) Issa Owens
 Davis (IL) Jackson Lee
 Davis (KY) (TX) Pallone
 DeFazio Jenkins Pascrell
 DeGette Johnson (GA) Pastor (AZ)

Paul
 Paulsen
 Pearce
 Pelosi
 Pence
 Perlmutter
 Peters
 Peterson
 Petri
 Pingree (ME)
 Pitts
 Platts
 Poe (TX)
 Polis
 Pompeo
 Posey
 Price (GA)
 Price (NC)
 Quayle
 Quigley
 Rahall
 Rangel
 Reed
 Rehberg
 Reichert
 Renacci
 Reyes
 Ribble
 Richardson
 Richmond
 Rigell
 Rivera
 Simpson
 Sires
 Roe (TN)
 Slaughte
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Rokita
 Souterland
 Rooney
 Ros-Lehtinen
 Roskam
 Ross (AR)
 Ross (FL)
 Rothman (NJ)
 Roybal-Allard

Royce
 Runyan
 Ruppertsberger
 Rush
 Ryan (OH)
 Ryan (WI)
 Sánchez, Linda
 T.
 Sanchez, Loretta
 Sarbanes
 Scalise
 Schakowsky
 Schiff
 Schilling
 Schmidt
 Schock
 Schrader
 Schwartz
 Schweikert
 Scott (SC)
 Scott (VA)
 Scott, Austin
 Scott, David
 Sensenbrenner
 Serrano
 Sessions
 Sewell
 Sherman
 Shimkus
 Shuler
 Shuster
 Sires
 Slaughte
 Smith (NE)
 Smith (NJ)
 Smith (TX)
 Smith (WA)
 Southerland
 Speier
 Stark
 Stearns
 Stivers
 Stutzman
 Sullivan
 Sutton

Terry
 Thompson (CA)
 Thompson (MS)
 Thompson (PA)
 Thornberry
 Tiberi
 Tierney
 Tipton
 Tonko
 Towns
 Tsongas
 Turner
 Upton
 Van Hollen
 Velázquez
 Visclosky
 Walberg
 Walden
 Walsh (IL)
 Walz (MN)
 Wasserman
 Schultz
 Waters
 Watt
 Waxman
 Webster
 Weiner
 Welch
 West
 Westmoreland
 Whitfield
 Wilson (FL)
 Wilson (SC)
 Wittman
 Wolf
 Womack
 Woodall
 Woolsey
 Wu
 Yarmuth
 Yoder
 Young (AK)
 Young (FL)
 Young (IN)

Bachmann
 Baldwin
 Barletta
 Barrow
 Bartlett
 Barton (TX)
 Bass (NH)
 Benishek
 Berg
 Berkley
 Berman
 Bilbray
 Bilirakis
 Bishop (NY)
 Bishop (UT)
 Blumenauer
 Boren
 Boswell
 Brady (PA)
 Braley (IA)
 Brown (FL)
 Buchanan
 Buchson
 Buerkle
 Burgess
 Camp
 Canseco
 Capps
 Capuano
 Carnahan
 Carney
 Carson (IN)
 Carter
 Castor (FL)
 Chabot
 Chaffetz
 Chandler
 Chu
 Clarke (MI)
 Clarke (NY)
 Clay
 Cleaver
 Coble
 Cohen
 Cole
 Conaway
 Connolly (VA)
 Conyers
 Costa
 Costello
 Courtney
 Cravaack
 Critz
 Crowley
 Cuellar
 Culberson
 Cummings
 Davis (CA)
 Davis (IL)
 Davis (KY)
 DeLauro
 Dent
 Deutch
 Diaz-Balart
 Dicks
 Dingell
 Donnelly (IN)
 Doyle
 Dreier
 Duffy
 Duncan (SC)
 Edwards
 Ellison
 Emerson
 Engel
 Eshoo
 Fattah
 Fitzpatrick
 Fleischmann
 Flores
 Forbes
 Foxx
 Franks (AZ)
 Frelinghuysen
 Fudge
 Gallegly
 Garamendi
 Garrett
 Gerlach
 Gibbs
 Gibson
 Gonzalez
 Goodlatte
 Gosar
 Gowdy
 Granger
 Graves (MO)
 Green, Al

Green, Gene
 Griffith (VA)
 Grimm
 Guinta
 Gutierrez
 Hall
 Hanna
 Hartzler
 Hastings (FL)
 Hayworth
 Heinrich
 Herger
 Higgins
 Himes
 Hinchey
 Hinojosa
 Hirono
 Holden
 Holt
 Honda
 Hoyer
 Huiuzenga (MI)
 Hultgren
 Hunter
 Hurt
 Inslee
 Israel
 Issa
 Jackson Lee
 (TX)
 Jenkins
 Johnson (GA)
 Johnson (IL)
 Johnson (OH)
 Johnson, Sam
 Jones
 Jordan
 Kaptur
 Kelly
 Kildee
 King (IA)
 King (NY)
 Kingston
 Kissell
 Kucinich
 Lamborn
 Lance
 Langevin
 Lankford
 Larson (CT)
 Latham
 LaTourette
 Latta
 Lee (CA)
 Levin
 Lewis (CA)
 Lewis (GA)
 Lipinski
 Lofgren, Zoe
 Lucas
 Lujan
 Lummis
 Lynch
 Maloney
 Manzullo
 Marchant
 Marino
 Markey
 Matheson
 Matsui
 McClintock
 McCollum
 McCotter
 McDermott
 McGovern
 McHenry
 McIntyre
 McKeon
 McKinley
 McMorris
 Rodgers
 McNerney
 Meehan
 Meeks
 Mica
 Michaud
 Miller (FL)
 Miller (MI)
 Miller (NC)
 Miller, Gary
 Miller, George
 Moore
 Moran
 Mulvaney
 Murphy (CT)
 Murphy (PA)
 Myrick
 Nadler
 Napolitano
 Neal
 Neugebauer
 Noem
 Nugent
 Nunes
 Nunnelee
 Olson
 Owens
 Pascrell
 Pastor (AZ)

Olson
 Owens
 Pallone
 Pascrell
 Pastor (AZ)
 Paul
 Paulsen
 Pearce
 Pelosi
 Pence
 Peters
 Peterson
 Petri
 Pingree (ME)
 Pitts
 Platts
 Hinojosa
 Hirono
 Holden
 Holt
 Honda
 Hoyer
 Huiuzenga (MI)
 Hultgren
 Hunter
 Hurt
 Inslee
 Israel
 Issa
 Jackson Lee
 (TX)
 Rogers (MI)
 Rohrabacher
 Rokita
 Roskam
 Ross (AR)
 Rothman (NJ)
 Royce
 Ryan (OH)
 Ryan (WI)
 Sánchez, Linda
 T.
 Sanchez, Loretta
 Schakowsky
 Schiff
 Schilling
 Schmidt
 Schock
 Schrader
 Schwartz
 Schweikert
 Scott (VA)
 Sensenbrenner
 Sessions
 Sherman
 Shimkus
 Shuler
 Shuster
 Sires
 Slaughte
 Smith (NJ)
 Smith (TX)
 Smith (WA)
 Speier
 Stark
 Stearns
 Stivers
 Stutzman
 Sullivan
 Sutton
 Thompson (CA)
 Thompson (PA)
 Thornberry
 Tiberi
 Tierney
 Tonko
 Tsongas
 Turner
 Upton
 Van Hollen
 Velázquez
 Visclosky
 Walberg
 Walden
 Walsh (IL)
 Walz (MN)
 Wasserman
 Schultz
 Waters
 Watt
 Waxman
 Webster
 Weiner
 Welch
 West
 Westmoreland
 Whitfield
 Wilson (FL)
 Wilson (SC)
 Wittman
 Wolf
 Womack
 Woodall
 Woolsey
 Wu
 Yarmuth
 Yoder
 Young (AK)
 Young (FL)
 Young (IN)

NOT VOTING—12

Boustany
 Cantor
 Conyers
 Filner

Flake
 Giffords
 Hastings (WA)
 Jackson (IL)

Long
 McCarthy (NY)
 Olver
 Payne

□ 1354

So the amendment was agreed to.
 The result of the vote was announced
 as above recorded.

Stated for:
 Mr. FILNER. Mr. Chair, on rollcall 370, I was
 away from the Capital region attending the
 Civil Rights Freedom Riders' 50th Anniversary
 Celebration. Had I been present, I would have
 voted "aye."

AMENDMENT NO. 148 OFFERED BY MR. TURNER
 The Acting CHAIR. The unfinished
 business is the demand for a recorded
 vote on the amendment offered by the
 gentleman from Ohio (Mr. TURNER) on
 which further proceedings were post-
 poned and on which the ayes prevailed
 by voice vote.

The Clerk will redesignate the
 amendment.

The Clerk redesignated the amend-
 ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
 has been demanded.

A recorded vote was ordered.
 The Acting CHAIR. This is a 2-
 minute vote.

The vote was taken by electronic de-
 vice, and there were—ayes 300, noes 120,
 not voting 11, as follows:

[Roll No. 371]

AYES—300

Ackerman
 Akin

Altmire
 Andrews

Austria
 Baca

Bachmann
 Baldwin

Green, Gene
 Griffith (VA)

Olson
 Owens

NOES—120

Adams Frank (MA)
 Aderholt Gardner
 Alexander Gingrey (GA)
 Amash Gohmert
 Bachus Graves (GA)
 Bass (CA) Griffin (AR)
 Becerra Grijalva
 Biggert Guthrie
 Bishop (GA) Hanabusa
 Black Harper
 Blackburn Harris
 Bonner Heck
 Bono Mack Hensarling
 Brady (TX) Herrera Beutler
 Brooks Huelskamp
 Broun (GA) Johnson, E. B.
 Burton (IN) Keating
 Butterfield Kind
 Calvert Kinzinger (IL)
 Campbell Kline
 Capito Labrador
 Cardoza Landry
 Cassidy Lee (CA)
 Cicilline Lewis (CA)
 Clyburn Luetkemeyer
 Coffman (CO) Lungren, Daniel E.
 Cooper Mack
 Crawford McCarthy (CA)
 Crenshaw McCaul
 DeGette McHenry
 Denham McKinley
 DesJarlais McMorris
 Doggett Rodgers
 Dold Napolitano
 Duncan (TN) Ellmers
 Eillers Farenthold
 Farr Nugent
 Fincher Nunnelee
 Fleming Palazzo
 Fortenberry Perlmutter
 Posey Young (AK)
 Young (FL)

Bishop (UT) Black
 Blackburn Blackburn
 Bonner Boner Mack
 Boren Bono Mack
 Brady (TX) Boren
 Brooks Rivera
 Broun (GA) Roby
 Buchanan Brooks
 Buerkle Huelskamp
 Burgess Huizenga (MI)
 Burton (IN) Hultgren
 Calvert Hunter
 Camp Buchanan
 Campbell Buehler
 Canoco Rush
 Carter Sarbanes
 Cassidy Scalise
 Chabot Scott (SC)
 Chaffetz Scott, Austin
 Coble Scott, David
 Coffman (CO) Serrano
 Conaway Sewell
 Cooper Smith (NE)
 Cravaack Southerland
 Crawford Terry
 Crenshaw Thompson (MS)
 Denham Tipton
 DesJarlais Towns
 Dingell Velázquez
 Dold Walden
 Dreier West
 Duffy Westmoreland
 Duncan (SC) Whitfield
 Duncan (TN) Noem
 Ellmers Womack
 Emerson Woodall
 Fincher Yoder
 Fleischmann Young (AK)
 Fleming Young (FL)
 Flores
 Forbes
 Foyx
 Franks (AZ)
 Frelinghuysen
 Gallegly
 Gardner
 Garrett
 Gerlach
 Gibbs
 Gibson
 Gingrey (GA)
 Gohmert
 Goodlatte
 Gosar
 Gowdy
 Graves (GA)
 Graves (MO)
 Green, Gene
 Griffin (AR)
 Griffith (VA)
 Grimm
 Guinta
 Guthrie
 Hall
 Hanna

Harper
 Harris
 Hartzler
 Hensarling
 Herger
 Herrera Beutler
 Huelskamp
 Huizenga (MI)
 Hultgren
 Hunter
 Hurt
 Issa
 Jenkins
 Johnson (IL)
 Johnson (OH)
 Johnson, Sam
 Jordan
 Kelly
 Kind
 King (IA)
 King (NY)
 Kingston
 Kline
 Labrador
 Lamborn
 Lance
 Landry
 Lankford
 Latham
 Latta
 Lewis (CA)
 Lucas
 Luetkemeyer
 Lummis
 Lungren, Daniel E.
 Mack
 Manzullo
 Marchant
 Marino
 Matheson
 McCarthy (CA)
 McCaul
 McClintock
 McCotter
 McHenry
 McIntyre
 McKeon
 McKinley
 McMorris
 Rodgers
 Meehan
 Mica
 Miller (FL)
 Miller (MI)
 Miller, Gary
 Mulvaney
 Murphy (PA)
 Myrick
 Neugebauer
 Noem
 Nugent
 Nunes
 Nunnelee
 Olson
 Owens
 Palazzo
 Paul
 Paulsen

Hinojosa
 Hirono
 Holden
 Holt
 Honda
 Hoyer
 Insee
 Israel
 Jackson Lee
 Keating
 Keating
 Kildee
 Kinzinger (IL)
 Kissell
 Kucinich
 Langevin
 Larsen (WA)
 Larson (CT)
 LaTourette
 Lee (CA)
 Levin
 Lewis (GA)
 Lipinski
 Loebsack
 Ross (AR)
 Ross (FL)
 Royce
 Runyan
 Scalise
 Schilling
 Schmidt
 Schock
 Schweikert
 Scott (SC)
 Scott, Austin
 Sensenbrenner
 Sessions
 Shimkus
 Shuster
 Simpson
 Smith (NE)
 Smith (TX)
 Southerland
 Stearns
 Stivers
 Stutzman
 Sullivan
 Terry
 Thompson (PA)
 Tiberi
 Tipton
 Turner
 Upton
 Walberg
 Walden
 Walsh (IL)
 Webster
 West
 Westmoreland
 Wilson (SC)
 Wittman
 Womack
 Woodall
 Yoder
 Young (AK)
 Young (FL)
 Young (IN)

NOT VOTING—11

Boustany Giffords
 Cantor Hastings (WA)
 Filner Jackson (IL)
 Flake Long

□ 1401

Mr. ROSS of Arkansas changed his vote from “no” to “aye.”

So the amendment was agreed to. The result of the vote was announced as above recorded.

Stated against: Mr. FILNER. Mr. Speaker, on rollcall 372, I was away from the Capital region attending the Civil Rights Freedom Riders’ 50th Anniversary Celebration. Had I been present, I would have voted “no.”

AMENDMENT NO. 55 OFFERED BY MR. MCGOVERN
 The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment. The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded. A recorded vote was ordered. The Acting CHAIR. This will be a 2-minute vote. The vote was taken by electronic device, and there were—ayes 204, noes 215, not voting 12, as follows:

[Roll No. 373]

AYES—204

NOT VOTING—11

Boustany Giffords
 Cantor Hastings (WA)
 Filner Jackson (IL)
 Flake Long

□ 1357

So the amendment was agreed to. The result of the vote was announced as above recorded.

Stated for: Mr. FILNER. Mr. Chair, on rollcall 371, I was away from the Capital region attending the Civil Rights Freedom Riders’ 50th Anniversary Celebration. Had I been present, I would have voted “aye.”

AMENDMENT NO. 152 OFFERED BY MR. CRAVAACK
 The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota (Mr. CRAVAACK) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment. The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded. A recorded vote was ordered. The Acting CHAIR. This will be a 2-minute vote. The vote was taken by electronic device, and there were—ayes 226, noes 194, not voting 11, as follows:

[Roll No. 372]

AYES—226

Adams Austria
 Aderholt Bachmann
 Akin Bachus
 Alexander Barletta
 Altmire Bartlett
 Amash Barton (TX)

NOES—194

Ackerman
 Andrews
 Baca
 Baldwin
 Barrow
 Bass (CA)
 Becerra
 Berkley
 Berman
 Bishop (GA)
 Bishop (NY)
 Blumenauer
 Boswell
 Brady (PA)
 Braley (IA)
 Brown (FL)
 Butterfield
 Capps
 Capuano
 Cardoza
 Carnahan
 Carney
 Carson (IN)
 Castor (FL)
 Chandler
 Chu
 Cicilline
 Clarke (MI)
 Clarke (NY)
 Clay
 Cleaver
 Clyburn
 Cohen
 Cole
 Connolly (VA)
 Conyers
 Costa
 Costello
 Courtney
 Critz
 Crowley
 Cuellar
 Cummings
 Davis (CA)
 Davis (IL)
 Davis (KY)
 DeFazio
 DeGette
 DeLauro
 Dent
 Deutch
 Diaz-Balart
 Dicks
 Doggett
 Donnelly (IN)
 Doyle
 Edwards
 Ellison
 Engel
 Eshoo
 Farenthold
 Farr
 Fattah
 Fitzpatrick
 Fortenberry
 Frank (MA)
 Fudge
 Garamendi
 Gonzalez
 Granger
 Green, Al
 Grijalva
 Gutierrez
 Hanabusa
 Hastings (FL)
 Hayworth
 Heck
 Heinrich
 Higgins
 Himes
 Hinchey

Bass (NH)
 Becerra
 Berkeley
 Berman
 Bishop (GA)
 Bishop (NY)
 Blumenauer
 Boswell
 Brady (PA)
 Braley (IA)
 Brown (FL)
 Butterfield
 Campbell
 Capps

Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Duncan (TN)
Edwards
Ellison
Emerson
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Garrett
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono

NOES—215

Adams
Aderholt
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Barletta
Barrow
Barton (TX)
Benishek
Berg
Biggart
Billray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito

Holden
Holt
Honda
Hoyer
Inslie
Israel
Jackson Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kucinich
Labrador
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matsui
McCollum
McDermott
Speier
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Nadler
Napolitano
Neal
Nugent
Owens
Pallone
Pascarell
Pastor (AZ)
Paul
Pelosi
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Polis

Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rigell
Rohrabacher
Rokita
Rothman (NJ)
Roybal-Allard
Royce
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Stearns
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Townsend
Tsongas
Upton
Van Hollen
Velázquez
Vislosky
Walsh (IL)
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (FL)
Woolsey
Wu
Yarmuth

King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCauley
McClintock
McCotter
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary

NOT VOTING—12
Hanna
Hastings (WA)
Jackson (IL)
Long
McCarthy (NY)
McHenry
Oliver
Payne

□ 1405

So the amendment was rejected.
The result of the vote was announced as above recorded.
Stated for:
Mr. FILNER. Mr. Chair, on rollcall 373, I was away from the Capital region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted "aye."
Stated against:
Mr. MCHENRY. Mr. Chair, on rollcall No. 373, I was unavoidably detained. Had I been present, I would have voted "no."

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.
The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. YODER) having assumed the chair, Mr. LATOURETTE, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes, and, pursuant to House Resolution 276, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amend-

ment in the nature of a substitute reported from the Committee of the Whole?

If not, the question is on the amendment.

The amendment was agreed to.
The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. SCHRADER. Mr. Speaker, I have a motion to recommit to the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SCHRADER. I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Schrader moves to recommit the bill H.R. 1540 to the Committee on Armed Services with instructions to report the same back to the House forthwith with the following amendment:

At the end of subtitle B of title VI, add the following new section:

SEC. 617. INCREASE IN MAXIMUM AMOUNT OF SPECIAL PAY FOR DUTY SUBJECT TO HOSTILE FIRE OR IMMINENT DANGER.

(a) HOSTILE FIRE OR IMMINENT DANGER PAY UNDER EXISTING SPECIAL PAY AUTHORITY.—Section 310(b)(1) of title 37, United States Code, is amended by striking "\$225 a month" and inserting "\$325 a month".

(b) IMMINENT DANGER PAY UNDER CONSOLIDATED SPECIAL PAY AUTHORITIES.—Section 351(b)(3) of such title is amended by striking "\$250 per month" and inserting "\$325 per month".

(c) APPLICATION OF AMENDMENTS.—The amendments made by this section shall take effect on October 1, 2011, and apply with respect to months beginning on or after that date.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon is recognized for 5 minutes in support of his motion.

Mr. SCHRADER. Mr. Speaker, my colleagues in the House, we have come here today to fulfill our constitutional duty and provide for the common defense of this great country.

As we finish consideration of the National Defense Authorization Act for FY 2012, I believe we have one more duty to fulfill. Mr. Speaker, my final amendment to this bill offers an opportunity for all of us to come together and recognize the supreme sacrifice our fellow citizens populating our armies and Navy make on our behalf.

Regardless of how one feels about the underlying bill or the mission of our troops in Iraq or in Afghanistan, we can all agree, I hope, on the valor, the sacrifice, that we see in our soldiers, marines, airmen, and sailors who put themselves in harm's way for our protection. They have been sent overseas to face hostile fire and imminent danger to themselves in service to the Constitution of this great United States. They do an extraordinary job and, I believe, are deserving of our utmost support.

My amendment proposes an additional authorization for an increase in combat pay for troops deployed in the field to be added to the underlying bill. In the coming months, we are going to debate appropriations for FY 2012 and beyond. I hope this body will engage in a successful debate to put the United States on a fiscally responsible path, but budgets should not be balanced on the backs of our troops.

Our fiscal situation is well-known to each and every Member of this body.

□ 1410

We all know the task before us will be very, very difficult. We know that fiscal decisions we make in the coming months will determine our ability to provide for the defense and security of the United States. And without question, the Federal deficit and national debt are national security concerns. This issue before us at this moment does not go against that recognition.

This body has already recognized the need to look at defense and security spending in order to meet fiscal objectives. I believe we can find enough savings within the Department of Defense to make a few necessary reinvestments like this. If we do our job well enough this summer, my amendment will allow us to put a small portion of the savings we find into an increase in the maximum amount of special pay we make available to our troops facing hostile fire or imminent danger in 2012 by a mere \$100 a month.

I have the distinct honor of representing thousands of Oregon National Guard troops and veterans who serve bravely in Iraq and Afghanistan. They have left their families and their jobs to face death, injury, and combat. They deserve our support.

Current compensation levels for special combat pay were set back in 2003. This was before “insurgency” and “IEDs” were commonly understood terms. For 10 years, we have asked men and women of our Armed Forces to face great danger. It’s time we provide them with more for the risks they’re willing to take on all our behalves.

Voting “yes” for this final amendment will not change the fate of the underlying bill or increase Federal spending. It simply offers us all the option of giving ourselves a chance to do the right thing and support our troops.

I urge a “yes” vote on this final amendment to the National Defense Authorization Act for 2012.

I yield back the balance of my time.
Mr. MCKEON. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. MCKEON. Mr. Speaker, I rise in opposition to the motion to recommit on H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012.

The authorizing language we have before us is a result of extensive bipartisan collaboration and unprecedented transparency, and to offer this motion

at this time and on this very important bill is poor form and smacks of pure politics. It pains me that after such an effort on our part to work across the aisle, the Democrats have offered this motion. I fail to see where there’s not been ample time and opportunity for input, discussion, debate, and resolution prior to this moment. I am dismayed that they would deem it necessary and prudent to play politics with this very important bill.

I need not remind all here that we’re a Nation at war with troops in harm’s way in combat every day fighting for our security and the future of our Nation.

During full committee markup, a total of 281 amendments were filed with 224 adopted. This compares to 172 filed and 137 adopted the year before.

This process, throughout, has been historically collaborative and resulted in the legislation being passed overwhelmingly 60–1 out of committee. We had all kinds of time to bring an amendment that would be helpful like this, then they bring this one. There’s no offset. This would just put us again above the allocation from the chairman. This is really more Democrat increasing spending.

I oppose this motion and ask my colleagues to stand with me.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SCHRADER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 185, noes 233, not voting 13, as follows:

[Roll No. 374]

AYES—185

Ackerman	Castor (FL)	Deutch
Altmire	Chandler	Dicks
Andrews	Chu	Dingell
Baca	Cicilline	Doggett
Baldwin	Clarke (MI)	Donnelly (IN)
Barrow	Clarke (NY)	Doyle
Bass (CA)	Clay	Edwards
Becerra	Cleaver	Ellison
Berkley	Clyburn	Engel
Berman	Cohen	Eshoo
Bishop (GA)	Connolly (VA)	Farr
Bishop (NY)	Conyers	Fattah
Blumenauer	Cooper	Frank (MA)
Boren	Costa	Fudge
Boswell	Costello	Gonzalez
Brady (PA)	Courtney	Green, Al
Braley (IA)	Critz	Green, Gene
Brown (FL)	Crowley	Grijalva
Butterfield	Cuellar	Gutierrez
Capps	Cummings	Hanabusa
Capuano	Davis (CA)	Hastings (FL)
Cardoza	Davis (IL)	Heinrich
Carnahan	DeFazio	Higgins
Carney	DeGette	Himes
Carson (IN)	DeLauro	Hinche

Hinojosa	McNerney	Schakowsky
Hirono	Meeks	Schiff
Holden	Michaud	Schrader
Holt	Miller (NC)	Schwartz
Honda	Miller, George	Scott (VA)
Inslee	Moore	Scott, David
Israel	Moran	Serrano
Jackson Lee	Murphy (CT)	Sewell
(TX)	Nadler	Sherman
Johnson (GA)	Napolitano	Shuler
Johnson, E. B.	Neal	Sires
Jones	Owens	Slaughter
Kaptur	Pallone	Smith (WA)
Keating	Pascrell	Speier
Kildee	Pastor (AZ)	Stark
Kind	Pelosi	Sutton
Kissell	Perlmutter	Thompson (CA)
Kucinich	Peters	Thompson (MS)
Langevin	Peterson	Tierney
Larsen (WA)	Pingree (ME)	Tonko
Larson (CT)	Polis	Towns
Lee (CA)	Price (NC)	Tsongas
Levin	Quigley	Van Hollen
Lewis (GA)	Rahall	Velázquez
Lipinski	Rangel	Vislosky
Loeback	Reyes	Walz (MN)
Lofgren, Zoe	Richardson	Watt
Lowey	Richmond	Wasserman
Lujan	Ross (AR)	Schultz
Lynch	Rothman (NJ)	Waters
Maloney	Roybal-Allard	Watt
Markey	Ruppersberger	Waxman
Matheson	Rush	Weiner
Matsui	Ryan (OH)	Welch
McCollum	Sánchez, Linda	Wilson (FL)
McDermott	T.	Woolsey
McGovern	Sanchez, Loretta	Wu
McIntyre	Sarbanes	Yarmuth

NOES—233

Adams	Farenthold	Lance
Aderholt	Fincher	Landry
Alexander	Fitzpatrick	Lankford
Amash	Fleischmann	Latham
Austria	Fleming	LaTourette
Bachmann	Flores	Latta
Bachus	Forbes	Lewis (CA)
Barletta	Fortenberry	LoBiondo
Bartlett	Fox	Lucas
Barton (TX)	Franks (AZ)	Luetkemeyer
Bass (NH)	Frelinghuysen	Lummis
Benishek	Gallely	Lungren, Daniel
Berg	Gardner	E.
Biggart	Garrett	Mack
Bilbray	Gerlach	Manzullo
Bilirakis	Gibbs	Marchant
Bishop (UT)	Gibson	Marino
Black	Gingrey (GA)	McCarthy (CA)
Blackburn	Gohmert	McCauley
Bonner	Goodlatte	McClintock
Bono Mack	Gosar	McCotter
Brady (TX)	Gowdy	McHenry
Brooks	Granger	McKeon
Broun (GA)	Graves (GA)	McKinley
Buchanan	Graves (MO)	McMorris
Bucshon	Griffin (AR)	Rodgers
Buerkle	Griffith (VA)	Meehan
Burgess	Grimm	Mica
Burton (IN)	Guinta	Miller (FL)
Calvert	Guthrie	Miller (MI)
Camp	Hall	Miller, Gary
Campbell	Hanna	Mulvaney
Canseco	Harper	Murphy (PA)
Cantor	Harris	Myrick
Capito	Hartzler	Neugebauer
Carter	Hayworth	Noem
Cassidy	Heck	Nugent
Chabot	Hensarling	Nunes
Chaffetz	Hergert	Nunnelee
Coble	Herrera Beutler	Olson
Coffman (CO)	Huelskamp	Palazzo
Cole	Huizenga (MI)	Paul
Conaway	Hultgren	Paulsen
Cravaack	Hunter	Pearce
Crawford	Hurt	Pence
Crenshaw	Issa	Petri
Culberson	Jenkins	Pitts
Davis (KY)	Johnson (IL)	Platts
Denham	Johnson (OH)	Poe (TX)
Dent	Johnson, Sam	Pompeo
DesJarlais	Jordan	Posey
Diaz-Balart	Kelly	Price (GA)
Dold	King (IA)	Quayle
Dreier	King (NY)	Reed
Duffy	Kingston	Rehberg
Duncan (SC)	Kinzinger (IL)	Reichert
Duncan (TN)	Kline	Renacci
Ellmers	Labrador	Ribble
Emerson	Lamborn	Rigell

Rivera	Scott (SC)	Turner	Cuellar	Johnson, Sam	Reichert	Fudge	McDermott	Schakowsky
Roby	Scott, Austin	Upton	Culberson	Jones	Renacci	Grijalva	McGovern	Schrader
Roe (TN)	Sensenbrenner	Walberg	Cummings	Jordan	Reyes	Gutierrez	Michaud	Serrano
Rogers (AL)	Sessions	Walden	Davis (CA)	Kaptur	Ribble	Himes	Miller, George	Sherman
Rogers (KY)	Shimkus	Walsh (IL)	Davis (KY)	Kelly	Richardson	Hinchey	Moore	Slaughter
Rogers (MI)	Shuster	Webster	Denham	Kildee	Rigell	Hirono	Murphy (CT)	Speier
Rohrabacher	Simpson	West	Dent	Kind	Rivera	Holt	Nadler	Stark
Rokita	Smith (NE)	Westmoreland	DesJarlais	King (IA)	Roby	Honda	Napolitano	Thompson (CA)
Rooney	Smith (NJ)	Whitfield	Deutch	King (NY)	Roe (TN)	Keating	Neal	Thompson (MS)
Ros-Lehtinen	Smith (TX)	Wilson (SC)	Diaz-Balart	Kingston	Rogers (AL)	Kucinich	Pallone	Tierney
Roskam	Southerland	Wittman	Dicks	Kinzinger (IL)	Rogers (KY)	Larson (CT)	Pastor (AZ)	Tonko
Ross (FL)	Stearns	Wolf	Dingell	Kissell	Rogers (MI)	Lee (CA)	Paul	Van Hollen
Royce	Stivers	Womack	Doggett	Kline	Rohrabacher	Lewis (GA)	Pingree (ME)	Velázquez
Runyan	Stutzman	Woodall	Dold	Labrador	Rokita	Lofgren, Zoe	Polis	Waters
Ryan (WI)	Sullivan	Yoder	Donnelly (IN)	Lamborn	Rooney	Luján	Price (NC)	Watt
Scalise	Terry	Young (AK)	Dreier	Lance	Ros-Lehtinen	Lynch	Quigley	Waxman
Schilling	Thompson (PA)	Young (FL)	Duffy	Landry	Roskam	Maloney	Rangel	Weiner
Schmidt	Thornberry	Young (IN)	Duncan (SC)	Langevin	Ross (AR)	Markey	Richmond	Welch
Schock	Tiberi		Ellmers	Lankford	Ross (FL)	Matsui	Roybal-Allard	Woolsey
Schweikert	Tipton		Emerson	Larsen (WA)	Rothman (NJ)	McClintock	Rush	Wu
			Engel	Latham	Royce	McCollum	Sarbanes	Yarmuth

NOT VOTING—13

Akin	Giffords	McCarthy (NY)
Boustany	Hastings (WA)	Olver
Filner	Hoyer	Payne
Flake	Johnson (IL)	
Garamendi	Long	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). The Chair notes a disturbance in the gallery in violation of the rules of the House. The Sergeant at Arms is directed to restore order.

□ 1433

Ms. HAYWORTH and Mr. YOUNG of Florida changed their vote from “aye” to “no.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 374, I was away from the Capital region attending the Civil Rights Freedom Riders’ 50th Anniversary Celebration. Had I been present, I would have voted “aye.”

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCKEON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 322, noes 96, not voting 13, as follows:

[Roll No. 375]

AYES—322

Adams	Bishop (UT)	Cardoza
Aderholt	Black	Carnahan
Akin	Blackburn	Carney
Alexander	Bonner	Carson (IN)
Altmire	Bono Mack	Carter
Andrews	Boren	Cassidy
Austria	Boswell	Castor (FL)
Baca	Brady (PA)	Chabot
Bachmann	Brady (TX)	Chandler
Bachus	Brooks	Clarke (NY)
Barletta	Broun (GA)	Coble
Barrow	Brown (FL)	Coffman (CO)
Bartlett	Buchanan	Cole
Barton (TX)	Bucshon	Conaway
Bass (NH)	Buerkle	Connolly (VA)
Benishek	Burgess	Cooper
Berg	Burton (IN)	Costa
Berkley	Butterfield	Costello
Biggert	Calvert	Costney
Bilbray	Camp	Cravaack
Billirakis	Canseco	Crawford
Bishop (GA)	Cantor	Crenshaw
Bishop (NY)	Capito	Critz

Fincher	Fitzpatrick	Fleischmann	Fleming	Flores	Forbes	Fortenberry	Fox	Franks (AZ)	Frelinghuysen	Gallegly	Gardner	Garrett	Gerlach	Gibbs	Gibson	Gingrey (GA)	Gohmert	Gonzalez	Goodlatte	Gosar	Gowdy	Granger	Graves (GA)	Graves (MO)	Green, Al	Green, Gene	Griffin (AR)	Griffith (VA)	Grimm	Guinta	Guthrie	Hall	Hanabusa	Hanna	Harper	Harris	Hartzler	Hastings (FL)	Hayworth	Heck	Heinrich	Hensarling	Herger	Herrera Beutler	Higgins	Hinojosa	Holden	Hoyer	Huelskamp	Huizenga (MI)	Hultgren	Hunter	Hurt	Inslee	Israel	Issa	Jackson Lee	(TX)	Jenkins	Johnson (GA)	Johnson (IL)	Johnson (OH)	Johnson, E. B.		
Engel	Farenthold	Latta	Levin	Lewis (CA)	Lipinski	LoBiondo	Loeb	Lowey	Lucas	Luetkemeyer	Lummis	Lungren, Daniel	E.	Mack	Manzullo	Marchant	Marino	Matheson	McCarthy (CA)	McCaul	McCotter	McHenry	McIntyre	McKeon	McKinley	McMorris	Rodgers	McNerney	Meehan	Meeks	Mica	Miller (FL)	Miller (MI)	Miller (NC)	Miller, Gary	Moran	Mulvaney	Murphy (PA)	Neugebauer	Noem	Nugent	Nunes	Nunnelee	Olson	Owens	Palazzo	Pascarella	Paulsen	Pearce	Pelosi	Pence	Perlmutter	Peters	Peterson	Petri	Pitts	Platts	Poe (TX)	Pompeo	Posey	Price (GA)	Quayle	Rahall	Reed	Rehberg

NOES—96

Ackerman	Chaffetz	DeFazio
Amash	Chu	DeGette
Baldwin	Cicilline	DeLauro
Bass (CA)	Clarke (MI)	Doyle
Becerra	Clay	Duncan (TN)
Berman	Cleaver	Edwards
Blumenauer	Clyburn	Ellison
Brale (IA)	Cohen	Eshoo
Campbell	Conyers	Farr
Capps	Crowley	Fattah
Capuano	Davis (IL)	Frank (MA)

NOT VOTING—13

Boustany	Hastings (WA)	Olver
Filner	Jackson (IL)	Payne
Flake	Long	Shimkus
Garamendi	McCarthy (NY)	
Giffords	Myrick	

□ 1440

So the bill was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: “A bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.”

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 375, I was away from the Capital region attending the Civil Rights Freedom Riders’ 50th Anniversary Celebration. Had I been present, I would have voted “no.”

Mr. GARAMENDI. Mr. Speaker, I voice my strong opposition to the National Defense Authorization Act (NDAA) for Fiscal Year 2012, H.R. 1540. Unfortunately during a busy legislative day, I missed the roll call for this important bill, which passed the House of Representatives today. Had I been present on the House Floor, I would have cast a “no” vote on the legislation.

PERSONAL EXPLANATION

Mr. BOUSTANY. Mr. Speaker, I was unable to vote cast my vote on rollcall 374 and rollcall 375. Had I cast my vote, I would have voted “nay” for rollcall 374 and “yea” for rollcall 375. I am proud to support the men and women of the Armed Forces and I appreciate the work of my colleagues to pass the National Defense Authorization Act for Fiscal year 2012 (H.R. 1540).

Mr. CONYERS. Mr. Speaker, on May 25, 2011, I inadvertently cast a “nay” vote on the Murphy amendment #25 to H.R. 1540. I am very supportive of this amendment and Mr. Murphy’s efforts to promote manufacturing and a national jobs agenda through our federal contracting procedures. I am pleased the amendment was adopted by the House.

On May 26, 2011, I was absent and unable to vote on the PATRIOT Act. Had I been present; I would have voted “nay.”

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN EN-GROSSMENT OF H.R. 1540, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 1540, the Clerk be authorized to correct section numbers, punctuation, cross-references, and the table of contents, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1380

Mr. GRIFFIN of Arkansas. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1380.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1380

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 1380.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 41 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1845

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BASS of New Hampshire) at 6 o'clock and 45 minutes p.m.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

MAY 26, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, House of Representatives, Washington, DC.

DEAR SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from

the Secretary of the Senate on May 26, 2011 at 2:50 p.m.:

That the Senate passed S. 1082.

That the Senate agreed to S. Con. Res. 13. Appointments:

Advisory Committee on the Records of Congress.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

MAY 26, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 26, 2011 at 6:25 p.m.:

That the Senate concur in House amendment with an amendment S. 990.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

REPORT ON H.R. 2017, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS BILL, 2012

Mr. ADERHOLT, from the Committee on Appropriations, submitted a privileged report (Rept. No. 112-91) on the bill (H.R. 2017) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO HOUSE AMENDMENT TO S. 990, PATRIOT SUNSETS EXTENSION ACT OF 2011

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 112-92) on the resolution (H. Res. 281) providing for consideration of the bill (S. 990) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes, which was referred to the House Calendar and ordered to be printed.

HOUR OF MEETING ON TOMORROW

Mr. DREIER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow; and further, when the House adjourns on that day, it adjourn to meet at noon on Tuesday, May 31, 2011, for morning-hour debate and 2 p.m. for legislative business.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PATRIOT SUNSETS EXTENSION ACT OF 2011

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 281 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 281

Resolved, That upon adoption of this resolution, it shall be in order to take from the Speaker's table the bill (S. 990) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes, with the Senate amendment to the House amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chair of the Committee on the Judiciary or his designee that the House concur in the Senate amendment to the House amendment. The Senate amendment shall be considered as read. The motion shall be debatable for one hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary and 20 minutes equally divided and controlled by the chair and ranking minority member of the Permanent Select Committee on Intelligence. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.

The SPEAKER pro tempore. The gentleman from California is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my good friend from Boulder, Colorado (Mr. POLIS), pending which I yield myself such time as I may consume. All time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. DREIER. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DREIER. Mr. Speaker, we have before us a hard-fought compromise for a 4-year extension of the Patriot Act. We know that there are two priority items that need to be addressed here: Number one, ensuring that we do not face another terrorist attack against the United States or our interests; and number two—equally important—to preserve the civil liberties and the constitutional protections that the American people have. This compromise does just that.

□ 1850

We had a 3-month extension, the House Judiciary Committee, and specifically Mr. SENSENBRENNER's subcommittee, had three hearings. We see a bipartisan and bicameral compromise before us, and I urge my colleagues to

support the rule and the underlying legislation.

With that, I reserve the balance of my time.

Mr. POLIS. I yield myself such time as I may consume.

Mr. Speaker, there has been a major development in the war on terror in the last few weeks with the successful defeat of Osama bin Laden, striking a major blow to al Qaeda. At a time like this, we should reexamine the restoration of our constitutional protections. There's no reason to continually extend these Patriot Act provisions without taking a close look at them.

My colleague from Michigan (Mr. CONYERS) put forward an excellent proposal that's an example of the many thoughtful bipartisan proposals that would improve the Patriot Act, keep the American people safe, and protect our constitutional rights. Unfortunately, discussion of that proposal and debate, and a vote on that proposal, is not allowed under this rule. Therefore, I'm opposed to the rule and the underlying bill.

Mr. Speaker, this bill would specifically reauthorize three provisions: sections 215, 206, and 6001 of the Intelligence Reform and Terrorism Prevention Act.

Section 215 allows the government to capture any tangible thing that might be relevant to a terrorist investigation. That could include medical records, your diary, even what books you've checked out at a library. Now, in the past, these orders were limited to narrow classes of businesses and records, but the Patriot Act has stripped away these basic requirements and continues to violate a basic American principle of privacy.

Section 206, the second provision of the bill, allows the government to conduct roving wiretaps. This allows the government to obtain surveillance warrants that don't specify the person or the object to be tapped. It could be an entire neighborhood. So much for the Fourth Amendment of the Constitution, which states that warrants must specify the person and place to be seized and searched with "particularity." This is to make sure the executive branch doesn't have the unfettered powers that this version of the Patriot Act would continue to give them for 4 years.

The final section that would be reauthorized under this bill, section 6001, deals with the "lone wolf" provision. This allows secret surveillance of non-citizens in the U.S. even if they're not connected to any terrorist group or foreign power. This authority is only granted in secret courts and threatens our understanding of the limits of our own government's investigatory powers within our own country's borders.

Now, we're told that government has never used this power, so I ask my colleagues, why should we reauthorize? If it hasn't even been used, shouldn't it be allowed to expire, particularly in light of our recent successes in the war

on terror and the defeat of Osama bin Laden?

My friends on the other side of the aisle say they're worried about the growth of the government. Yet in spite of the rhetoric, this bill grows government and takes away privacy and respect for our private lives. This is the type of government intrusion which the Bill of Rights was designed to prevent.

The provisions in the Patriot Act continue to be an affront to our most basic liberties as American citizens. I urge anyone who's worried about the unchecked growth of the State to think twice about this bill, perhaps look at a short-term extension, and have a real discussion of restoring the balance between individual rights and security. I urge a "no" vote on the rule and the underlying bill.

I yield back the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to simply say that this is a hard-fought compromise. This is a 4-year extension. We've had exhaustive hearings on this issue. We need to ensure our security, number one, and we also need to ensure our civil liberties, and I believe that this measure does just that. It passed the Senate by a vote of 72-23. I urge my colleagues to support the rule and the underlying legislation.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. SMITH of Texas. Mr. Speaker, pursuant to House Resolution 281, I call up the bill (S. 990) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes, with the Senate amendment to the House amendment thereto, and I have a motion at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment to the House amendment.

The text of the Senate amendment to the House amendment is as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "PATRIOT Sunsets Extension Act of 2011".

SEC. 2. SUNSET EXTENSIONS.

(a) USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended by striking "May 27, 2011" and inserting "June 1, 2015".

(b) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 6001(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 50 U.S.C. 1801 note) is amended by striking "May 27, 2011" and inserting "June 1, 2015".

MOTION TO CONCUR

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Smith of Texas moves that the House concur in the Senate amendment to the House amendment to S. 990.

The SPEAKER pro tempore. Pursuant to House Resolution 281, the motion shall be debatable for 1 hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary and 20 minutes equally divided and controlled by the chair and ranking minority member of the Permanent Select Committee on Intelligence.

The gentleman from Texas (Mr. SMITH) and the gentleman from New York (Mr. NADLER) each will control 20 minutes. The gentleman from Michigan (Mr. ROGERS) and the gentleman from Maryland (Mr. RUPPERSBERGER) each will control 10 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on S. 990.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, 4 months from now, America will mark the 10-year anniversary of the worst terrorist attack in U.S. history. Tonight at midnight, three national security provisions that have helped prevent another 9/11 attack will expire. Congress must do its job and approve this legislation to reauthorize them before time runs out.

Some argue that since we haven't had a major terrorist attack since September 11, we no longer need these laws. Others argue that the death of Osama bin Laden brought an end to al Qaeda and the war on terror, but both of these claims lack merit.

The Patriot Act provisions continue to play a vital role in America's counterterrorism efforts not only to prevent another large-scale attack but also to combat an increasing number of smaller terrorist plots.

Earlier this year, a 20-year-old student from Saudi Arabia was arrested in my home State of Texas for attempting to use weapons of mass destruction. Khalid Aldawsari attempted to purchase chemicals to construct a bomb against targets including the Dallas residence of former President George W. Bush, several dams in Colorado and California, and the homes of three former military guards who served in Iraq. Information obtained through a section 215 business records order was essential in thwarting this plot.

Make no mistake, the threat from terrorists and spies is real. These provisions are vital to our intelligence investigations, and they are effective.

□ 1900

We also have heard repeatedly from the Obama administration about the critical importance of extending these laws. S. 990, the Patriot Sunsets Extension Act of 2011, is a bipartisan, bicameral compromise to reauthorize the existing Patriot Act provisions for another 4 years. By doing so, Congress is ensuring that critical intelligence will be collected and terrorist plots will be disrupted.

In February, Congress approved a 90-day extension of these provisions. During the last 3 months, the House Judiciary Committee has thoroughly reviewed the Patriot Act and how its provisions are used in national security investigations. The Crime Subcommittee has held three hearings specifically on the Patriot Act, the full committee held oversight hearings of the FBI and the Department of Justice, and all committee members were provided a classified briefing by the administration. Attorney General Eric Holder told the committee that he supports these provisions and encouraged Congress to reauthorize them for as long of a period of time as possible.

The roving wiretap provision allows intelligence officials, after receiving approval from a Federal court, to conduct surveillance on terrorist suspects, regardless of how many communication devices they may use. We know terrorists use many forms of communication to conceal their plots, including disposable cell phones and free email accounts. Roving wiretaps are nothing new. Domestic law enforcement agencies have had roving wiretaps for criminal investigations since 1986. If we can use roving wiretaps to track down a drug trafficker, why shouldn't we also use it to prevent a terrorist attack?

The business records provision allows the FBI to access third-party business records in foreign intelligence, international terrorism, and espionage cases. Again, this provision requires the approval of a Federal judge. That means the FBI must prove to a Federal judge that the documents are needed as part of a legitimate national security investigation. These two provisions have been effectively used for the last 10 years without any evidence of misuse or abuse.

Our national security laws allow intelligence gathering on foreign governments, terrorist groups, and their agents. But what about a foreign terrorist who either acts alone or cannot be immediately tied to a terrorist organization? The lone wolf definition simply brings our national security laws into the 21st century to allow our intelligence officials to answer the modern-day terrorist threat.

Since 9/11, we have seen terrorist tactics change. In addition to coordinated attacks by al Qaeda and other groups, we face the threat of self-radicalized terrorists who are motivated by al Qaeda but may not be directly affiliated with such groups. The lone wolf

definition ensures that our laws cover rogue terrorists even if they aren't a card-carrying member of al Qaeda or another terrorist organization.

The terrorist threat will not sunset at midnight and neither should our national security laws. The Patriot Act is an integral part of our offensive against terrorists and has proved effective at keeping Americans safe from terrorist attacks.

Mr. Speaker, I urge my colleagues to support this reauthorization.

I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in opposition to this extension of the three expiring provisions of the USA PATRIOT Act and the Intelligence Reform and Terrorism Prevention Act. When we last considered these expiring provisions, it was to extend them temporarily so that the House could review them and consider whether to improve them or allow them to expire. Many Members on both sides of the aisle objected to extending these provisions without so much as a hearing or an opportunity to debate changes to the law. In fact, the extension was rejected the first time with the votes of both Democrats and Republicans.

Since that debate, Chairman SENSENBRENNER did in fact hold a series of hearings in which members of the Judiciary Committee were able to consider the issues and hear from many thoughtful experts who were able to make helpful suggestions. These three provisions dealing with roving wiretap authority, expansion of the definition of an agent of a foreign power to include so-called lone wolves, and section 215, which allows the government to obtain business and library records using an order from the Foreign Intelligence Surveillance Court instead of the normal methods have aroused a great deal of controversy and concern, and rightly so.

Section 215 authorizes the government to obtain "any tangible thing" relevant to a terrorism investigation, even if there is no showing that the thing pertains to suspected terrorists or terrorist activities. Section 215 is sweeping in its scope, and the government is not required to show reasonable suspicion or probable cause before undertaking an investigation that infringes upon a person's privacy. Congress should either ensure that things collected with this power have a meaningful nexus to suspected terrorist activity or should allow this provision to expire.

Section 206 provides for roving wiretaps, which permit the government to obtain intelligence surveillance orders that identify neither the person to be tapped nor the facility to be tapped. There is virtually no particularity required. This seems a clear violation of the Fourth Amendment. There are almost no limits on this authority and no requirement that the government name a specific target, either a person or a location.

Section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004, the so-called lone wolf provision, permits secret intelligence surveillance of non-U.S. persons who are not affiliated with a foreign government or organization. According to government testimony, this provision has never been used; yet we are told it is vital that it remain on the books.

Surveillance of an individual who concededly is not working with a foreign government or with a terrorist organization is not normally what we understand as foreign intelligence. There may be many good reasons for government to keep tabs on such an individual, but there is no reason to suspend all our normal laws under the pretext that this is a foreign intelligence operation.

We are now told we must simply punt for a few years. No need, we have been told, to consider any of the many improvements that many Members believe are important. No need, in fact, even to have a debate or a vote on those changes. It's another "my way or the highway" vote. That is no way to protect our Nation from terrorism while protecting our fundamental liberties from government intrusion.

I realize that the Republican majority has the votes to extend these expiring authorities, but I am proud to stand with my colleagues of both parties in opposition to the flippant and reckless way in which our liberties are being treated today.

I urge my colleagues to reject this dangerous legislation and demand that the House have a serious debate on the important issues impacted by this legislation affecting our security and our liberty.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the gentleman very much.

I rise today to support a 7-day extension, which means I believe that we can fix these problems. And I am disappointed that we again, having been given the responsibility of oversight, now rush for a two-page document, a two-page document that is now the essence of the Patriot Act, which in fact will provide some challenge to the civil liberties of all Americans. I highlight just one or two.

The business records applies to citizens and noncitizens alike, where law enforcement or government authorities can come and take items, no matter what their relevance, if they think that they might have some relevance to terrorism. Any tangible thing. Restaurants, where you are going to a restaurant. They can ask for what you ate. A hotel, your records. Libraries, your records.

Why couldn't we do this with a 7-day review time? Extend it for 7 days today and allow us from New Hampshire to Texas to California to be able to say that we stand with our soldiers in securing the Nation, but we also believe in civil liberties.

Let me remind my colleagues, 9/11 and the terrorists that we were shocked that could find their way to lift off and not take off, that was a question of not connecting the dots. Not that we didn't have the information; we didn't connect the dots of information that were sitting on the desks of an agent in the Midwest and information that was somewhere else. Intelligence, getting information, analyzing it is part of securing the homeland, not violating the rights of Americans.

So here we go again. Business records with no restraint, not adding the civil liberties and oversight provisions that were found in JOHN CONYERS' legislation, the ranking member on Judiciary, and as well the chairman of the Judiciary Committee in the Senate, Senator LEAHY.

What is the rush to protect those who are in fact citizens of the United States—what is the rush not to protect them? Support a 7-day extension. Don't vote for legislation that violates the civil liberties of Americans.

As a member of the Homeland Security Committee, I understand the importance of national security, and the challenges we face as we strive to protect our nation from foreign threats. I appreciate the need to ensure that the law enforcement and intelligence communities are equipped with the tools necessary to carry out investigations. And with certain improvements to protect individuals' privacy rights and civil liberties, I believe the PATRIOT Act can continue to achieve that goal.

However, as members of Congress, we have the role of oversight, and I am deeply concerned when our Constitutional rights run the risk of being infringed upon, even if it is in the name of national security.

This bill would extend three provisions of the USA PATRIOT Act, commonly known as the business records, lone wolf, and John Doe roving wiretap provisions, for four years to June 1, 2015, with no changes, alterations, or considerations of the constant concerns about privacy rights and civil liberties.

This bill is reflective of a deal between Senate Leadership and Republican House Leadership, however, it does not contain any of the considerations and meaningful improvements which were included Senator LEAHY's version of the PATRIOT Act Sunset extension bill that passed the Senate Judiciary Committee with bipartisan support and the backing of the intelligence community. It makes no improvements to the PATRIOT Act. It includes no new protections for privacy. It requires no reporting to Congress.

Nor does this bill take into account any of the meaningful improvements or additions which were included in H.R. 1805, Representative CONYERS' House counterpart to Senator LEAHY's Senate Bill.

The proposals introduced by Senator LEAHY and Representative CONYERS make meaningful improvements to the PATRIOT Act and related authorities, and have the support of the Obama Administration and the intelligence community.

They reauthorize the Business Records, Lone Wolf, and Roving Wiretaps provisions for two and a half years—until December 2013—allowing for greater Congressional oversight,

which was the original intent of Congress when it originally included sunsets in these provisions. For the first time, a sunset was included on the use of National Security Letters. Finally, it moves the sunset on the FISA Amendments Act from the end of 2012 to 2013 so that all these inter-related surveillance authorities can be considered together in a non-election year to avoid reconsideration in the midst of a politicized environment.

This proposal modifies the standard for obtaining a FISA court order to obtain business records by eliminating the overbroad presumption of relevance in these cases, and requires the Government to provide a written statement of the facts and circumstances that justify the applicant's belief that the tangible things sought are relevant. Furthermore, these bills contain additional protections for bookseller or library records.

Additionally, these proposals would have made a number of changes to NSL practices and procedures, in response to the numerous abuses of this tool, including clarifying the standards for including a gag order, significantly improving the process for challenging gag orders, and adding a factual basis requirement.

Furthermore, the Leahy and Conyers bill would have eased the concerns of many Americans by enhancing public reporting and requiring audits.

The bill before us now, which was rushed through at the final hour despite multiple extensions, includes none of the thoughtful enhancements and improvements which have been carefully considered and crafted over the past several months. It ignores the results of countless oversight hearings, legislative hearings, and committee markups. It completely ignores the concerns that many Americans have voiced and continue to raise.

These three provisions of the PATRIOT Act extend overstep the bounds of the government investigative power set forth in the Constitution.

The "roving wiretap" provision allows a roving electronic surveillance authority, allowing the government to obtain intelligence surveillance orders with not particularity, that identify neither the person nor the facility to be tapped.

The "business records" provision authorizes the government to obtain "any tangible thing" relevant to a terrorism investigation, even if there is no showing that the "thing" pertains to suspected terrorists or terrorist activities. This provision, which was addressed in the Judiciary Committee during the 111th Congress, runs afoul of the traditional notions of search and seizure, which require the government to show "reasonable suspicion" or "probable cause" before undertaking an investigation that infringes upon a person's privacy. Congress must ensure that things collected with this power have a meaningful nexus to suspected terrorist activity.

The "lone wolf" provision permits secret intelligence surveillance of non-US persons who are not affiliated with a foreign organization. This type of authorization, which is only granted in secret courts, is subject to abuse, and threatens our longtime understandings of the limits of the government's investigatory powers within the borders of the United States.

This bill fails to address National Security Letters (NSLs) all together. NSLs permit the government to obtain the communication, fi-

nancial and credit records of anyone deemed relevant to a terrorism investigation, even if that person is not suspected of unlawful behavior. I repeat, even if that person is NOT suspected of unlawful behavior.

Issues surrounding these particular provisions are not a stranger to us, for we have been dealing with them since 2001 when the PATRIOT Act was introduced. It has been examined in the Judiciary Committee numerous times. I, along with other Members of the Judiciary Committee like Mr. CONYERS and Mr. NADLER, offered multiple amendments that not only addressed the three provisions, but also National Security Letters and the lax standards of intent.

We must ensure that our intelligence professionals have the tools that they need to protect our Nation, while also safeguarding the rights of law-abiding Americans.

To win the war on terror, the United States must remain true to the founding architects of this democracy who created a Constitution which enshrined an inalienable set of rights. These Bills Of Rights guarantee certain fundamental freedoms that cannot be limited by the government. One of these freedoms, the Fourth Amendment, is the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures. We do not circumvent the Fourth Amendment, or any other provision in the United States Constitution, merely because it is inconvenient.

There is nothing more important than providing the United States of America, especially our military and national security personnel, the right tools to protect our citizens and prevail in the global war on terror. Holding true to our fundamental constitutional principles is the only way to prove to the world that it is indeed possible to secure America while preserving our way of life.

Mr. SMITH of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), the current chairman of the Crime Subcommittee of the Judiciary Committee and a former chairman of the Judiciary Committee.

□ 1910

Mr. SENSENBRENNER. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of S. 990, to reauthorize the three expiring provisions of the PATRIOT Act for 4 years. This legislation provides much-needed certainty to our intelligence officials, who rely on these tools to prevent terrorist attacks, monitor foreign spies, and prevent espionage.

Unfortunately, this bill does not go as far as legislation reported by the Judiciary Committee earlier this month. H.R. 1800, the bill I sponsored along with Judiciary Chairman SMITH, Intelligence Chairman ROGERS, and House Administration Chairman LUNGREN, permanently reauthorizes the lone wolf definition and extends section 206 roving authority and section 215 business records authority for 6 years.

The PATRIOT Act has been plagued by myths and misinformation for 10 years. We've heard some of those tonight, and we'll probably hear more. In the last 3 months, myths have become

even more outlandish—claims of warrantless wiretapping, monitoring entire neighborhoods, and blatant constitutional violations. Make no mistake: Each and every one of these claims are patently false, and if Congress fails to reauthorize these laws before they expire, America's national security and that of its citizens will be the most vulnerable in a decade.

The lone wolf definition closes a gap in FISA by allowing the government to track a foreign national, not a U.S. person, who engages in acts to prepare for a terrorist act against the United States but is not affiliated, or cannot immediately be shown to be affiliated, with a foreign terrorist organization. The lone wolf definition is in fact quite narrow. It cannot be used to investigate U.S. persons and only applies in cases of suspected international terrorism. The government cannot use this provision to investigate domestic terrorism.

Although the lone wolf provision has yet to be used, it is an important provision that recognizes the growing threat of individuals who may subscribe to radical and violent beliefs, but do not clearly belong to a specific terrorist group. The recent death of Osama bin Laden only strengthens its importance, as the fear of individual retaliatory acts increases.

Section 206 of the PATRIOT Act authorizes the use of "roving" or multipoint wiretaps for national security and intelligence investigations. This allows the government to use a single wiretap order to cover any communications device that the target is using or is about to use. Without roving wiretap authority, investigators must seek a new court order each time a terrorist or spy changes cell phones or computers. In today's world of disposable cell phones, free e-mail accounts, and prominent social media, roving authority is a crucial tool.

Section 215 allows the FISA Court to issue orders granting the government access to business records in foreign intelligence, international terrorism, and clandestine intelligence cases. This authority is similar to the widely accepted grand jury subpoena in criminal investigations.

There are numerous protections written into the law to ensure that the authority is not misused. Under section 215, only an article III FISA judge can issue an order for business records; an investigation of a U.S. person cannot be based solely on activities protected by the First Amendment; the records must be for a foreign intelligence or international terrorism investigation; and minimization procedures must be utilized.

In addition, requests for records of library circulation, book sales, firearms sales, and the like must first be approved by the FBI director, his deputy, or head of the FBI's national security division. By contrast, a grand jury subpoena can obtain all of these records in a criminal investigation with simply

the signature of a line prosecutor. Finally, business records, which by definition reside in the hands of a third party, do not—and I repeat, do not—implicate the Fourth Amendment.

Since this law was first enacted over 10 years ago, these provisions have been scrutinized to the fullest extent of the law and have been either unchallenged or found constitutional. The lone wolf definition has never been challenged. Section 206 roving wiretaps have never been challenged. But four appellate courts, including the Ninth Circuit, have upheld criminal roving wiretap authority under the Fourth Amendment.

Section 215 business records were challenged, but after Congress made changes to that provision in the 2006 reauthorization, which many people who are complaining about this bill voted against, the lawsuit was withdrawn.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of Texas. I yield the gentleman an additional minute.

Mr. SENSENBRENNER. These three provisions have stopped countless potential attacks and play a critical role in helping ensure law enforcement officials have the tools they need to keep our country safe.

The death of Osama bin Laden proves that American intelligence gathering is vital to our national security. The fight against terrorism, however, did not die with bin Laden, and neither did the need for the PATRIOT Act.

I urge my colleagues to support this legislation.

Mr. NADLER. I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I rise in strong opposition to another abdication of our constitutional duty to conduct oversight and protect our most basic civil liberties. This bill extends through June 1, 2015, three provisions contained in the Intelligence Reform and Terrorism Prevention Act and the USA PATRIOT Act that, at the time of their passage, constituted an unprecedented expansion of government power and infringement on the American people's privacy.

Earlier this month, the Department of Justice released its annual report on surveillance activities for 2010. The report reveals that the government quadrupled its use of section 215 orders, named after one of the provisions, poised to extend until 2015 with no reform. Section 215, also known as the business records provision, allows the FBI to order any person, any business, to turn over any tangible things as long as it specifies it's for an authorized investigation. Orders executed under section 215 constitute a serious violation of Fourth Amendment and First Amendment rights by allowing the government to demand access to records often associated with the exercise of First Amendment rights, such as library records or medical records.

The other amendments to be extended include section 601, the lone wolf surveillance provision, contained in the Intelligence Reform and Terrorism Prevention Act of 2004, which authorizes the government to conduct investigations of non-U.S. individuals not connected to any foreign power or terrorist group. It effectively allows the government to circumvent the standards that are required to obtain electronic surveillance orders from criminal courts.

Lastly, section 206, known as the John Doe wiretap, allows the FBI to obtain an order from the Foreign Intelligence Surveillance Court to wiretap a target without having to specify the target or the device. These provisions were given a sunset for a reason.

There's an abundance of evidence over the last 10 years that these powers have given the government license to infringe on constitutionally protected privacy of the American people with no accountability. It's time we stop rubber-stamping these provisions, reform the PATRIOT Act, and stop Big Government from reaching into people's private lives.

Mr. SMITH of Texas. Mr. Speaker, may I ask how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Texas has 9 minutes remaining, and the gentleman from New York has 12½ minutes remaining.

Mr. SMITH of Texas. I reserve the balance of my time.

Mr. NADLER. I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, the House is once again in an unexamined rush to make semi-permanent the government's ability to seek all matter of records on citizens without having to demonstrate to a court that citizens under suspicion are actually engaged in terrorist activities.

The power of government for surveillance and enforcement are among the most important but also the most fearsome. We know these authorities and others have been abused, because the Department of Justice Inspector General has told us so. I know it, because for 8 years I served on the House Permanent Select Committee on Intelligence. Let me tell you, American freedom and security are not well-served by the excessive secrecy imposed on our society and government by this legislation.

The Foreign Intelligence Surveillance Court, which is responsible for approving government surveillance requests under the PATRIOT Act, is the kind of court that should be used only rarely and in the most special circumstances. Instead, it has become part of a kind of routine clandestine government.

□ 1920

Treating some Americans as above suspicion and others as suspect without cause has made us a less just and also a less secure society.

The PATRIOT Act was originally passed at a time of high emotion in this country. Nearly a decade at the PATRIOT Act enactment, the death of Osama bin Laden has provided us with an opportunity to stop and reflect on all that has transpired over the last 10 years. It is past time for us to pause and reexamine the validity of the assumptions that led to the passage of the PATRIOT Act and the validity of its current application.

But, you say, we cannot debate the validity of its current application because those applications are classified at a very high level. That is precisely one of the points we should be debating thoroughly before any reauthorization.

Sitting on the House Permanent Select Committee on Intelligence for 8 years, let me tell you, that secrecy does not serve America well.

Mr. SMITH of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN), chairman of the House Administration Committee and also a senior member of the Judiciary Committee.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I know we want to get to a vote very, very soon and normally I would refrain from speaking on this except that because this is such an important issue and some of the things that have been stated on the floor are so patently untrue, there is an obligation for those of us who have been working on this issue for some period of time to make sure that the public is not misled by statements that have been made here on the floor.

Number one, the Fourth Amendment is not implicated.

We have heard statements on this floor that are absolutely not true. They are the same statements that were made the last time we had this on the floor, the same statements that were made when we reauthorized this a few years ago. And one of the most amazing things is there is a continuation of this argument that we haven't done proper oversight. I don't know where you have been, but many of us on this side of the aisle have been in briefings and on hearings on these very issues seeking out the truth on these things.

The canard that somehow we are tearing the Constitution up just does not stand any kind of inquiry whatsoever. The suggestion that somehow we are invading the civil liberties of citizens is negated by the language in the three sections of the bill that we have before us. And the argument that somehow, since we got rid of Osama bin Laden, we don't need this, is the most absurd at all.

One of the lessons of our successful mission being executed against Osama bin Laden is that you need actionable intelligence over a long range of time that you can connect together with analysis to give you the information that you need. It doesn't fall from heaven. It doesn't come like manna. You have to go get it. We have care-

fully constructed these provisions to allow us to do the kind of work that is necessary not to collect the bodies after a successful terrorist attack has occurred but, rather, to prevent these terrorist attacks.

One of the things people should keep in mind is that we have the intervention of Federal judges in these three different areas of the law. It is not something where the executive branch is allowed to go unfettered into looking for this information. Rather, they must justify it to an independent Federal court; and some say, oh my gosh, it is a secret court. It is a secret court because, in fact, there are certain secrets that must be maintained as we attempt as best we can to save this Nation and our citizens from those who would attack us.

One wonders at times whether we have the sense of urgency that is necessary to continue with the efforts to make us safe. The fact that we have thwarted successfully terrorist attacks is not a reason to dismantle the means which allowed us to do that. It is, in fact, a reason why we should continue this.

Any honest examination of the history of this Judiciary Committee and the Crime Subcommittee will reveal that we have done the oversight necessary to ensure that we have the tools to fight the threat of terrorism and at the same time preserve the civil liberties of American citizens.

To suggest otherwise is to ignore the record. To suggest it's unconstitutional is to somehow ignore the decisions made by every Federal court that has looked at this.

But you can continue to make these statements, you can continue to confuse the public, you can continue to raise alarm where alarm ought not to be raised.

With all due respect, while everybody is entitled to their opinions, they are not entitled to their own facts. They must take the facts as they are. And the facts are this is constitutional, it is workable, it is necessary. We have to do it, and we have to do it now.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. RUPPERSBERGER).

Mr. RUPPERSBERGER. Mr. Speaker, I rise in support of S. 990. These three provisions of the PATRIOT Act provide important tools that help keep America safe.

I am pleased that this bill includes sunsets. Our Founding Fathers created a system of government that included checks and balances among the three branches of government: the legislative, executive and judicial. Sunsets allow for the legislative branch to conduct meaningful oversight on an ongoing basis.

I will support this extension because I believe that these provisions are consistent with the Constitution and provide the tools the government needs to keep us safe while protecting civil liberties.

Mr. SMITH of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just say that we have heard all these arguments before many times on this floor. It's hard for me to believe that a proper investigation and proper procedures would not have been able to improve these provisions in any way, that all the hearings, all the suggestions that were made came to no changes at all.

I am not going to debate for the fifth time with Mr. LUNGREN his statements. I do not believe they are accurate. He does not believe what I said is accurate. We are on similar ground there.

Let me just say that I believe that these provisions should be amended, they should be changed. They are an overbroad violation of our rights and leave it at that and, therefore, I will oppose it.

Before we conclude, I want to recognize Judiciary Committee counsel Sam Sokol, who is leaving the committee tomorrow for what I know is a bright future. I know that I speak for every member of the committee in thanking Sam for his wise counsel, his prodigious capacity for work, and his friendship. He has been a valued member of our team, and we will miss him greatly. We wish you the best of luck, Sam.

With that, I urge the defeat of this bill.

I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield the balance of my time to the gentleman from Pennsylvania (Mr. MARINO), a member of the Judiciary Committee Crime Subcommittee. He is also both a former U.S. Attorney and district attorney.

Mr. MARINO. Mr. Speaker, it's incredible what I am hearing here today from my friends on the other side of the aisle. I was a U.S. Attorney and used the PATRIOT Act. I debated it, I lectured it, and I put a terrorist away by using the PATRIOT Act.

I was also a district attorney, and it was easier for me to get a warrant for documents as a district attorney than it was for me to get documents pursuant to the PATRIOT Act.

I just could not sign a document and go get papers and have a wiretap. I had to go through a FISA judge. It had to go through my first assistant, myself, the Justice Department, a judge, and then back to the office for a signature.

□ 1930

There are absolutely no circumstances where I could get information from a citizen who we believed to be a terrorist or to be involved in terrorism by not getting a warrant.

An example is the roving wiretap. The roving wiretap was designed for one specific reason. Wiretaps, when the wiretap law went into effect, were based on a phone being on a wall in a particular location. Over the years, because of cell phones, terrorists, criminals, and drug dealers were buying—

and are still buying—cell phones in the 5, 10, and 20 batches, using them for several minutes, dropping them, continuing the same crime, and just switching to a new cell phone. The law allowed us not to have to go after a new warrant for each cell phone. That was logical because the phone was not attached to a wall in a particular location; they were roving. It has done its job not only in drug work but terrorism work as well.

The same thing for documents and information from business records and bank records. In some instances, as a district attorney, I didn't even need a warrant. All I had to do was subpoena those documents. That is not possible under the Federal system. We have to go through a FISA court to get those warrants. I've done that for 6 years as a U.S. attorney and for 12 years as a district attorney. What we are hearing from the other side is absolutely not true about warrantless searches.

Earlier today, the Senate approved Senate 990 by a vote of 72-23, with overwhelming bipartisan support. It is time for the House to do the same thing. Time is of the essence. We have until midnight tonight to help keep America safe because the terrorists are out there continually working. They aren't taking breaks.

These are commonsense provisions that have worked effectively for 10 years to prevent terrorists attacks, protect the American people, and preserve civil liberties. They need to be extended for another 4 years.

The terrorist threat we face as a Nation has not expired. Neither should these important provisions that have helped keep us safe from terrorist attacks.

I urge my colleagues to vote "yes" on this critical national security bill.

Mr. BECERRA. Mr. Speaker, we can defeat our enemies without surrendering the rights and freedoms that are the foundation of our republic.

Our men and women in uniform put their lives on the line every day to defend the liberties that we hold dear. In light of their bravery and commitment to the highest standards of human rights—even in war—we must ask ourselves if, through this vote on S. 990, the PATRIOT Sunsets Extension Act of 2011, we are willing to freely give up those very rights for which they are willing to die.

The PATRIOT Act can be a law worth preserving. Many of its provisions have enhanced our security. But several of its prescriptions would undermine our cherished protections of civil liberties and American freedom. That is not the American way.

As we approach Memorial Day, a day when we reflect on the sacrifices made by our fallen warriors, let us give them and the defenders of our security the legal tools they need to protect us all and to seek out and descend upon those who would do us harm. But let us sensibly discard those provisions of law which do not uphold those standards and would instead give away the precious liberties which millions of Americans have died defending throughout the history of our country.

Mr. Speaker, today I vote against S. 990 because this Congress did not move sensibly to

amend the PATRIOT Act to bolster our security while respecting our civil liberties and freedoms.

Mr. VAN HOLLEN. Mr. Speaker, in February of this year, I voted to support a three-month extension of the PATRIOT Act provisions in today's underlying legislation in order to give Congress time to build a consensus around necessary, common sense reform. Today, it is with great reluctance that I must stand in opposition to an additional extension of these provisions, as Congress has failed to make reforms to safeguard civil liberties.

This is a missed opportunity. Senators LEAHY and PAUL offered a bipartisan amendment that included a sunset date for National Security Letters, enhanced oversight of PATRIOT Act authorities, and more focused standards of relevance for business record requests—changes that would provide meaningful improvements to the balance between national security and civil liberties. However, this proposal was not given a vote on the floor of the Senate.

I believe there are important provisions in this bill that should be extended. However, there is also a clear need for improved oversight and privacy protections. We must not be stampeded into continuing to pass bad policy, especially when credible solutions are well within reach. I voted to give Congress time to responsibly reform these provisions. But I cannot in good conscience support a four-year extension that makes no effort to ensure that the authorities under this law are being exercised responsibly.

Mr. Speaker, I have always been prepared to support a balanced PATRIOT Act that defends Americans without eroding our freedom. Unfortunately, S. 990 is not that legislation.

Ms. SCHAKOWSKY. Mr. Speaker, I do not support S. 990, which extends three controversial PATRIOT Act provisions. There is a much better way to safeguard our national security without jeopardizing the privacy and civil liberties of American citizens. This legislation reauthorizes these sections of the PATRIOT Act without making necessary improvements, and it fails to even address other problematic practices, including the use of National Security Letters.

Among the provisions included in this extension is Section 215, which expands the government's ability to private, confidential records, without showing probable cause or direct connection to a foreign power or agent. This includes library, and bookstore records, as well as highly personal information such as medical records.

In addition to my concerns about what is in this bill, I am concerned about what is not in it. Instead of engaging in a real debate about reforming the PATRIOT Act, we are simply continuing the bad policies of the past. Tonight's bill fails to address the widespread use (and abuse) of National Security Letters. The National Security Letters provisions of the PATRIOT Act, which drastically expand government authority to demand private records without prior court approval, have been used hundreds of thousands of times since 2001.

There is another way to protect our citizens, without treading on their rights. Congressman CONYERS has offered an alternative proposal, H.R. 1805, laying out a compromise approach to improving the PATRIOT Act. I am a co-sponsor. Congressman CONYERS' legislation, which has the support of the Obama Adminis-

tration and the intelligence community, as well as bipartisan Senate support, reauthorizes the three expiring provisions for two and a half years, rather than the six-year extension in S. 990. It makes critical improvements to prevent the abuse of fundamental civil liberties, including tightening the requirements on roving wiretaps (and eliminating the so-called "John Doe Roving Wiretap," under which the government can obtain surveillance orders that identify neither the person nor the facility to be tapped).

In addition, for the first time, Congressman CONYERS' bill sunsets the use of National Security Letters (NSL) and makes a number of changes to abusive NSL practices. H.R. 1805 strengthens the factual basis required for use of an NSL, clarifies the standards for including a gag order in an NSL, and improves public reporting on the number of NSLs issued each year.

I do not believe that these invasive authorities should be extended in the absence of real improvement in the civil liberties protections. As a member of the Intelligence Committee, I know that we can protect our citizens without treading on their rights. We do not have to choose between our security and our values. Instead, we should pass legislation that grants the intelligence community the tools they require while also protecting the rights and liberties of all Americans.

Mr. BLUMENAUER. Mr. Speaker, today I will vote against an extension of the PATRIOT Act because Congress should be refining and narrowing the scope of the Act, not extending it as-is, until 2015.

There are real concerns on both sides of the aisle about granting the federal government too much power with little to no mechanisms for oversight by Congress. We are missing an opportunity in the House for bipartisan reform by rushing this extension to the floor. It's time for a more accountable approach that balances individual privacy with our national defense.

Our intelligence community has the tools necessary to keep us safe without compromising our privacy. This hasty four-year extension is disappointing because the Act could be more effective if it included the auditing requirements for which many in Congress have advocated.

Mr. WEST. Mr. Speaker, deep within my heart I have a mistrust of the Obama Administration when it comes to the PATRIOT Act. However, I do have a greater trust in the law enforcement and judges on the FISA court to keep Americans safe.

I support the work that law enforcement does around the nation each and every day in order to protect our citizens and apprehend individuals who want to kill innocent people and try to destroy our way of life.

The PATRIOT Act was enacted shortly after September 11 to deal with the threat of international terrorism. Indeed, we are engaged in a global conflict against radical Islam. Those who are captured on this truly global battlefield should be treated as non-state, non-uniform belligerents, not as common criminals.

As you are well aware, I spent 22 years in the United States Army—the tip of the spear tasked with protecting the citizens of this great nation. As a Member of the House of Representatives, I have taken an oath to protect the constitutional rights of the citizens of the 22nd Congressional District of Florida and all Americans.

Benjamin Franklin, one of the founders of our nation wrote “They who can give up essential liberty to obtain a little temporary safety, deserve neither liberty nor safety.”

For many weeks I have reflected on this quote as I have studied this issue to make a decision on how I should cast my vote on the reauthorization of provisions of the PATRIOT Act. I have spoken with numerous individuals, including my fellow colleagues in the House of Representatives, the Director of the Federal Bureau of Investigation, Robert Mueller, and the Chairman of the House Intelligence Committee, MIKE ROGERS in order to try to understand the facts.

I have spoken to numerous constituents who are both experts on this issue and constituents who, while not experts, have a concern about these provisions. I reviewed testimony to Congressional Committees and have studied many documents in order to determine the proper balance between individual's rights and the responsibility of the Federal Government to protect Americans.

I have done what I was sent to Capitol Hill to do, to make an informed decision based on the facts and represent the people of the 22nd Congressional District of Florida. I have determined that the most important constitutional right, one which I have taken an oath to protect, is the right to life for all Americans. We must do whatever is necessary to prevent another terrorist attack on our soil and how to do this must be fully and openly debated.

When we killed Osama bin Laden, we may have killed the face of evil and the mastermind of numerous terrorist attacks, however, we face an emboldened enemy who now operates on a 21st century battlefield. The perpetrators of September 11th lived in South Florida and planned their attacks upon our nation there. And just this month, individuals were arrested in South Florida sending funds to terrorists in Pakistan.

The complexities of the 21st Century Battlefield require us to reassess and redefine how we confront our enemy. The men and women who serve in law enforcement throughout our country today face this non-state, non-uniform belligerent who has no regard for international borders or boundaries, to include our homeland. As we have seen by the terrorist attacks in Little Rock and Fort Hood, our fight against radical Islam is not just against the Taliban in Afghanistan or al Qaida in Iraq, but against a global movement who has infiltrated our borders.

We are at war with a radical ideology that has brought the fight to us time and time again. From Fort Hood, Texas, to Little Rock, Arkansas, Islamists have targeted American citizens. After each of these brutal attacks, I, like many Americans, was shocked at how this could happen on American soil. Political Correctness allowed Major Nidal Hassan to have so-called “spiritual conversations” with a radical element who preached and advocated violence against American citizens. Under the protection of the First Amendment, Carlos Bledsoe was able to travel overseas, become radicalized, return home to purchase weapons, plan and execute an attack against a Little Rock Army Recruiting Depot.

As I outlined to a letter I sent to FBI Director Robert Mueller earlier this month, I believe the execution of these provisions should be moved to the Counter Terrorism Division instead of the Criminal Division. Further, I do

not support the extension of these provisions for four years and I am gravely disturbed that we did not allow an open process to review the extension of these provisions.

We must clearly focus on the enemy, not permit political correctness to drive our domestic security policy. No one recognizes the security situation better than I. However, I have not been fully persuaded that these provisions make us safe . . . as opposed to the illusion of feeling safe.

Based upon my research, I shall not vote for extending these provisions for four years. The most integral part of our focus on security against radical Islamic terrorism is to recognize and confront this enemy. And to do this we must openly debate the best way for this to be accomplished.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 281, the previous question is ordered.

The question is on the motion offered by the gentleman from Texas (Mr. SMITH).

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. NADLER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 250, nays 153, not voting 28, as follows:

[Roll No. 376]
YEAS—250

Adams	Crenshaw	Hinojosa
Aderholt	Critz	Holden
Alexander	Cuellar	Hoyer
Altmire	Culberson	Huizenga (MI)
Andrews	Davis (CA)	Hultgren
Austria	Davis (KY)	Hunter
Bachmann	Denham	Hurt
Bachus	Dent	Israel
Barletta	DesJarlais	Issa
Barrow	Deutch	Jenkins
Barton (TX)	Diaz-Balart	Johnson (OH)
Bass (NH)	Dicks	Johnson, E. B.
Benishek	Dold	Johnson, Sam
Berg	Donnelly (IN)	Jordan
Berkley	Dreier	Keating
Biggert	Duffy	Kelly
Bibray	Ellmers	Kind
Bilirakis	Emerson	King (IA)
Bishop (GA)	Farenthold	King (NY)
Bishop (NY)	Fincher	Kingston
Black	Fleischmann	Kinzinger (IL)
Blackburn	Fleming	Kissell
Bonner	Flores	Kline
Boren	Forbes	Lamborn
Boswell	Fortenberry	Lance
Brady (TX)	Fox	Landry
Brooks	Franks (AZ)	Langevin
Brown (FL)	Frelinghuysen	Lankford
Bucshon	Galegally	Latham
Buerkle	Gardner	LaTourette
Burgess	Garrett	Latta
Burton (IN)	Gerlach	Levin
Butterfield	Gibbs	Lewis (CA)
Calvert	Gingrey (GA)	Lipinski
Camp	Gohmert	LoBiondo
Canseco	Goodlatte	Lowe
Cantor	Gosar	Lucas
Capito	Gowdy	Luetkemeyer
Cardoza	Granger	Lummis
Carney	Graves (MO)	Lungren, Daniel
Carter	Griffin (AR)	E.
Cassidy	Grimm	Marchant
Chabot	Guinta	Marino
Chandler	Guthrie	Matheson
Coble	Hall	McCarthy (CA)
Coffman (CO)	Harper	McCaul
Cole	Hartzler	McCotter
Conaway	Hayworth	McHenry
Cooper	Heck	McIntyre
Costa	Hensarling	McKinley
Cravaack	Herger	McMorris
Crawford	Higgins	Rodgers

Meehan	Ribble	Simpson
Mica	Rigell	Smith (NE)
Miller (FL)	Rivera	Smith (NJ)
Miller (MI)	Roby	Smith (TX)
Miller (NC)	Rogers (AL)	Smith (WA)
Miller, Gary	Rogers (KY)	Southerland
Mulvaney	Rogers (MI)	Stearns
Murphy (PA)	Rooney	Stivers
Neugebauer	Ros-Lehtinen	Stutzman
Noem	Roskam	Terry
Nugent	Ross (AR)	Thompson (PA)
Nunes	Ross (FL)	Thornberry
Nunnelee	Rothman (NJ)	Tiberi
Olson	Royce	Tsongas
Palazzo	Runyan	Turner
Pascarell	Ruppersberger	Upton
Paulsen	Ryan (WI)	Walberg
Pearce	Scalise	Walden
Pence	Schiff	Walsh (IL)
Peters	Schilling	Wasserman
Peterson	Schmidt	Wasserman
Petri	Schock	Schultz
Pitts	Schwartz	Webster
Platts	Schweikert	Westmoreland
Poe (TX)	Scott (SC)	Whitfield
Price (GA)	Scott, Austin	Wilson (SC)
Quayle	Scott, David	Wittman
Quigley	Sensenbrenner	Wolf
Rahall	Sessions	Womack
Reed	Sewell	Yoder
Reichert	Shimkus	Young (FL)
Renacci	Shuler	Young (IN)
Reyes	Shuster	

NAYS—153

Ackerman	Grijalva	Payne
Amash	Gutierrez	Pelosi
Baldwin	Hanabusa	Perlmutter
Bartlett	Hanna	Pingree (ME)
Bass (CA)	Harris	Polis
Bishop (UT)	Hastings (FL)	Posey
Blumenauer	Heinrich	Price (NC)
Brady (PA)	Herrera Beutler	Rangel
Bralley (IA)	Himes	Rehberg
Brown (GA)	Hinches	Richardson
Campbell	Hirono	Richmond
Capps	Holt	Roe (TN)
Capuano	Honda	Rohrabacher
Carnahan	Inslee	Rokita
Carson (IN)	Jackson Lee	Roybal-Allard
Chaffetz	(TX)	Rush
Chu	Johnson (GA)	Ryan (OH)
Ciilline	Johnson (IL)	Sánchez, Linda
Clarke (MI)	Jones	T.
Clarke (NY)	Kaptur	Sarbanes
Clay	Kildee	Schakowsky
Cleaver	Kucinich	Schrader
Clyburn	Labrador	Scott (VA)
Cohen	Larsen (WA)	Serrano
Connolly (VA)	Larson (CT)	Sherman
Costello	Lee (CA)	Slaughter
Courtney	Lewis (GA)	Speier
Crowley	Loebsock	Stark
Cummings	Lofgren, Zoe	Sutton
Davis (IL)	Lujan	Thompson (CA)
DeFazio	Lynch	Thompson (MS)
DeGette	Mack	Tierney
DeLauro	Maloney	Tipton
Doggett	Manzullo	Tonko
Doyle	Markey	Towns
Duncan (SC)	Matsui	Van Hollen
Duncan (TN)	McClintock	Velázquez
Edwards	McCollum	Visclosky
Ellison	McDermott	Walz (MN)
Engel	McGovern	Waters
Eshoo	McNerney	Watt
Farr	Meeks	Waxman
Fattah	Michaud	Weiner
Fitzpatrick	Moore	Welch
Frank (MA)	Moran	West
Fudge	Murphy (CT)	Wilson (FL)
Garamendi	Nadler	Woodall
Gibson	Napolitano	Woolsey
Gonzalez	Neal	Wu
Graves (GA)	Pallone	Yarmuth
Green, Al	Pastor (AZ)	Young (AK)
Griffith (VA)	Paul	

NOT VOTING—28

Akin	Filner	Miller, George
Baca	Flake	Myrick
Becerra	Giffords	Oliver
Berman	Green, Gene	Owens
Bono Mack	Hastings (WA)	Pompeo
Boustany	Huelskamp	Sanchez, Loretta
Buchanan	Jackson (IL)	Sires
Castor (FL)	Long	Sullivan
Conyers	McCarthy (NY)	
Dingell	McKeon	

□ 1956

Mr. CONNOLLY of Virginia changed his vote from “yea” to “nay.”

Messrs. YODER, SCOTT of South Carolina, and POE of Texas changed their vote from “nay” to “yea.”

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. GENE GREEN of Texas. Mr. Speaker, on rollcall No. 376, Consideration of PATRIOT Act Extension, had I been present, I would have voted “nay.”

Mr. BECERRA. Mr. Speaker, I was unable to cast my floor vote on rollcall vote 376.

Had I been present for the votes, I would have voted “nay” for rollcall vote 376.

Mr. JACKSON of Illinois. Mr. Speaker, I was unavoidably detained for personal reasons, and missed a recorded vote for S. 990, the PATRIOT Sunsets Extension Act of 2011. If present, I would have recorded my vote as “nay” for rollcall vote 376.

Mr. FILNER. Mr. Speaker, on rollcall 376, I was away from the Capital region attending the Civil Rights Freedom Riders’ 50th Anniversary Celebration. Had I been present, I would have voted “nay.”

APPOINTMENT OF MEMBER TO UNITED STATES GROUP OF THE NATO PARLIAMENTARY ASSEMBLY

The SPEAKER pro tempore (Mr. BROOKS). Pursuant to 22 U.S.C. 1928a, clause 10 of rule I, and the order of the House of January 5, 2011, the Chair announces the Speaker’s appointment of the following Member of the House to the United States Group of the NATO Parliamentary Assembly:

Mr. LARSON, Connecticut

FAREWELL, TOM McAVOY

(Mr. GARDNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARDNER. Mr. Speaker, times have been hard for the newspaper business; but this week, the Pueblo Chieftain experienced an especially tough loss—the retirement of its editorial research director, Tom McAvoy.

Tom is a native of Pueblo, Colorado. He graduated from Central High School in 1964 and from CSU-Pueblo. After receiving a master’s degree in journalism from Ohio State University in 1969, he spent a year working in the AP’s Denver bureau until he accepted a teaching position at his alma mater back in Pueblo, Colorado.

During the summers, he worked part time in the Chieftain’s newsroom; and in 1977, the position became full time. When Tom began his career, these were the days of Woodward and Bernstein, Hunter S. Thompson, and Gloria Steinem. Investigative reporting and gonzo journalism just don’t exist like that anymore. These were also the

days before emails and cell phones, and stories were literally filed over the wires. Tom is, without a doubt, what one would consider “old school.”

In 1983, Tom took over as the political beat reporter for the Chieftain, working out of its Denver bureau for the next 21 years. He covered the State capitol, three Governors; and he remembers what the Colorado legislature was like before term limits.

I’ve had the opportunity to work with Tom not only at the State capitol in Denver, Colorado, but at the Chieftain. He knows a great deal and cares a great deal about Colorado, south-eastern Colorado, and the water law that has made Colorado the great State that it is today. Not only am I going to miss Tom McAvoy, but I know the people of Pueblo and the people of south-eastern Colorado will as well.

Tom, thank you for your service to the people, and I look forward to working with you because I know, in retirement, you’re still not going away.

□ 2000

MEMORIAL DAY: REMEMBERING OUR WAR HEROES

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, Veterans Day is the day we honor our veterans who go overseas and they return. Memorial Day is the day we honor our soldiers, our sailors, our airmen who go overseas and they don’t return. Monday is Memorial Day, and all Americans should give homage and honor, praise and prayers for those that served and gave up their lives for the rest of us. They gave their youth for our future.

Not far from where we are today, right down The Mall, is the newest memorial on The Mall; it’s the World War II Memorial. It’s a massive memorial to those World War II—the “Greatest Generation”—veterans that served. On the back wall there it looks like a bronze plate. And if you get closer, Mr. Speaker, you notice that it’s not a bronze plate at all, but there are thousands of stars; 400,000 stars on the World War II Memorial, and each one of those represents a young American that went overseas in the great World War II and did not return; 400,000 Americans. Those are just a few that have served and given their lives.

Patriotism is a good thing. This Memorial Day we praise those who served, and we praise the families of those who served.

And that’s just the way it is.

PAYING TRIBUTE TO RUSSELL SKINNER

(Mr. BRADY of Texas asked and was given permission to address the House for 1 minute.)

Mr. BRADY of Texas. Our postman is retiring this weekend. Normally that

wouldn’t be national news, but this is no ordinary man. Russell Skinner has been serving our community and our neighborhood for more than 30 years. He’s more than that; he’s an entrepreneur. He has his own flooring company. You’ll see him on evenings and weekends working to try to provide not just good service to his customers, but to take care of his family as well. He runs a Christian gospel singing group. You will see him in our local churches around the region bringing God’s songs and music across our region.

Russell Skinner loves his country, he loves our soldiers, he loves his family, and he loves his God. And he is just part of the American dream, living it, working it, fighting it. Russell Skinner will be missed in our community. He is what’s great about America.

THE PATRIOT ACT

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 5, 2011, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the majority leader.

Mr. KING of Iowa. Mr. Speaker, it’s my honor to be recognized to address you here on the floor of the United States House of Representatives and this great deliberative body that we have, and especially immediately in the aftermath of this historic vote that has just gone up on the Patriot Act.

As we have debated this and worked with an amendment process and negotiations that took place in the Senate, we got down to the last minutes here. And I presume final passage of the Patriot Act is now on its way to the President’s desk to be signed tonight so that there’s not a window of vulnerability with regard to the intelligence that we can gather against our enemies that are evermore coming into the United States and plotting against us globally.

This is an issue that emerged when we saw our vulnerabilities in the immediate aftermath of September 11. And as that was dealt with here in this Congress—and I will say that of pieces of legislation that have been passed in a relative emergency situation, the Patriot Act among them stands out as something that came together with—it was clearly a bipartisan effort to put the Patriot Act language together; it was done so with the information that we had at the time. Some of that information was gathered in a hasty fashion—the smoke was certainly rolling up out of Ground Zero in New York while the Patriot Act was passed here in the House of Representatives.

It was also passed with the idea that it had sunsets on it so it required reauthorization so that Congress would come back and have oversight over the authority that was granted in the Patriot Act to do surveillance. For example, roving wire taps. Clear back in the 1980s it was understood with cell phones that when investigators were investigating organized crime, for example, the Mob had it figured out

where they could pick up a cell phone, use it for a while, dispose of it, go grab another cell phone, use it for a while and dispose of it. The old wiretap laws that would allow for a judge to grant a warrant to tap a land line at, say, a residence or a business of the suspected mobster were archaic in the 1980s because of cell phone emergence, and so Congress acted and provided for the roving wiretap for investigations domestically. But it didn't cover the investigations that had to do with non-citizens and terrorist activities, and so that's something that the Patriot Act addressed.

As I look at the components of the Patriot Act one after another, it comes down to this: That the constitutional protections that are there for the individuals that are being investigated are equal to or greater than those protections for American citizens in domestic investigations unrelated to terrorist charges. So the roving wiretap is a piece that was a natural, that had to be part of the Patriot Act, and it is. And we also have the FISA courts, the special courts that evaluate the investigations and yield a judgment as to whether they're in compliance. The national security letters, of which there have only been about 300 requested national security letters—yes, there is a confidentiality that's attached to that. If a Federal agent goes into an entity and issues a national security letter, first of all, that's reported later on to the court, and the individual or the company that's required to produce that information is bound by confidentiality for obvious reasons. If Osama bin Laden or Zarqawi or any of the plotting terrorists were planning against the United States, the subject of the investigation, they would be tipped off. They would be tipped off on the national security letter request, which means the investigation would be blown up by that lack of confidentiality, the lone wolf piece of this.

So there is piece after piece of the Patriot Act that has stood up very well. And one of the people that has stood up on this issue that understands this very thoroughly, and one of the people who is on the Select Committee on Intelligence—which will prevent her from talking about some of the things that are confidential because of the deep intelligence knowledge that goes on in a secure room in this Capitol—is my friend from Minnesota whom I would like to yield to, MICHELE BACHMANN.

Mrs. BACHMANN. I thank the gentleman from Iowa for yielding.

This is a very important issue and a very important vote that we have just taken here in the House Chamber. It is dealing with the Patriot Act. We have had calls, we have had requests on our Facebook, Twitter, and in our emails urging a "no" vote tonight on the Patriot Act. I cast a "yes" vote on this act. The Patriot Act did pass. This is why. This is an authorization for the next several years in three areas. One

is the lone wolf exception. We have a new war, a new enemy, new tactics. The lone wolf is one actor acting alone. And if we get a tip, it may be at the last minute, and we've got to go in for national security reasons and find that actor. That is an appropriate use of gaining this intelligence and information.

Number two, roving wiretaps. We have changed from the days of telephones being wired into the walls; now we use a cell phone. A lot of modern terrorists will buy a thousand "go" phones. They'll make one call, use a cell phone, throw it away like it's a disposable phone, pick up another cell phone, make another call. So we have to have the ability to be able to go to whichever phone a potential alleged terrorist may be using.

Now the third exception is the business records section; this is section 215. This is the section that most people have the greatest worries about. They worry about the infringement of Fourth Amendment rights. I worry about that too. I spent all week this week going to Members who I felt would oppose the Patriot Act. I went to people who are national voices who oppose the Patriot Act to find out what their concerns were, because I'm a lawyer. I genuinely am concerned about making sure that we never cross the line as a Federal Government.

□ 2010

Why? Because I think government is too big. I think we intervene too much in people's lives. I certainly don't want to give the government the unfettered right to go in and access my personal private records. This is what I know to be true about section 215 and why I could vote for it.

Number one, no right of gaining access to records can be given unless a Federal agent goes to a judge first. They have to go to the FISA court. Also, there has to be a connection to national security interests or to a foreign government. We've got that level of protection. When they go and make these requests, of which there have been 300-some requests, then they can go and they can gain access to a record.

Now, these are business records. These aren't records in my basement or your basement. These are records that a company has, like a phone company or a bank, but they're used in only the limited case where a judge first grants permission.

So what does that mean?

That means that it is constitutional in that the individual American's due process rights are observed because a Federal agent first has to go to a judge, a judge has to apply due process to that request, and then from there then access can be given to records, not in an individual's house but from a business. And then during the course of investigation—again, remembering, this is if there is a threat of a national security incident only.

Then during the course of an investigation, it's well understood if we're investigating a terrorist, if we get a lead that Khalid Sheikh Mohammed has a phone, we get his information, we are able to access records that are somehow connected to an alleged terrorist—or now an admitted terrorist, Khalid Sheikh Mohammed—we have to be able to have the means. Do we tip off someone like a Khalid Sheikh Mohammed that we're looking at his records? Of course not. That would be absurd.

So, it's a very different time and a very different war and we're observing Fourth Amendment rights. Now, Khalid Sheikh Mohammed is not an American. He is not an American citizen. He is not an American. But for Americans, when we are seeking a request for a record of an American, the Federal agent first has to go and get this approved by a judge.

I urge people, Mr. Speaker, go to my Facebook site. We have all of the documents up to verify and show all of the reasoning behind the Patriot Act.

And again, this is a very important discussion this evening. I want to thank my colleague STEVE KING for bringing this to people's attention. It's a very important vote. I've spent all week trying to get the basis for whether the vote should be "yes" or the vote should be "no," and I have confidence this evening that it was the right vote to cast a "yes" vote.

And again, I encourage anyone who is interested to go to my Facebook site and get all of this documentation. Read for yourselves. Make up your mind. But in my opinion, this passes constitutional muster. And I can assure every American I would not vote for this bill unless I thought it did pass constitutional muster.

Mr. KING of Iowa. Reclaiming my time, and thanking the gentlelady from Minnesota for coming to the floor on short notice to add clarity to this discussion and this debate and having the courage to stand up on these constitutional principles.

I have had it pointed out to me that the Fourth Amendment of the Constitution limits the Patriot Act. It's the protection against unreasonable search and seizure. Unreasonable. And these searches and seizures that have been found to be reasonable, in many cases by our Supreme Court across this land, are very well settled law, and the Patriot Act fits within the parameters of existing domestic surveillance.

And I would add that this Congress has protected itself in this fashion: that the major components of this Patriot Act that have been extended are extended for 4 years. That means that this Congress comes back again and evaluates the Patriot Act for constitutional and functionality within this 4-year period of time, and it will require reauthorization again. So we're carefully walking down this path making sure that the abuses do not take place.

And I, as a member of the Judiciary Committee and as one who has gone up

to the secure room and gone through a number of secure briefings that had to do with the functionality of the Patriot Act—it's a requirement on some of our parts here in this Congress to do that. I have also made a pledge to a number of other Members that I'll keep an eye on these constitutional functions and the respect for this statute that's given by the Federal agents that are allowed to utilize the Patriot Act. And that will be a never-ending vigilance here in this Congress. It always is. And protecting constitutional rights is a never-ending vigilance.

One of the people who is very duly vigilant who, when the rest of us take a little break and catch some sleep at night, is back keeping his eye on the functions of government, one of the relentless and incessant providers of protection of liberty and constitutional protection and one of the scholars on the Constitution here is the gentleman from Texas.

I'd be happy to yield such time as he may consume to Mr. LOUIE GOHMERT.

Mr. GOHMERT. I thank my friend from Iowa, my very dear friend.

As my friend knows, he and I've both been extremely vigilant in following up on these issues. But I wanted to point out, there is a lot of confusion. There are people on television that are just making these claims that the Constitution has been thrown away, and they haven't looked at how these three provisions that have been extended for 4 years were being used.

Now, my first year here, 2005, we were taking up the Patriot Act, and I had concerns then. I still have concerns, because these things, these powers, these three have been held constitutional, and I think they are. The problem comes in the potential for abuse.

And the reason I ended up catching a lot of grief from some of the leaders in our party back in 2005 as a freshman was I wanted to have sunsets on some provisions so that we could get leverage, because as we saw from Attorney General Gonzales, when he was head of the Justice Department, and as we have seen with Attorney General Holder, Departments of Justice are not very forthcoming no matter what party they are when the Congress asks for information. Now, they will say, Oh, yeah, we'll give you whatever you need, but they're not very forthcoming.

And it's not until powers that they want to keep come up for sunset, that they could go away and they need them renewed, and they know they need them renewed because they are helpful in keeping the country safe, but it's only then that they come forward and say, Oh, by the way, what was it that you made in your request a year ago that we never did provide you? And that basically happened back in 2004 and 2005.

And that was one of the reasons I was pushing we've got to have sunsets, because the only way to deal with these issues and make sure the abuses are

not occurring of these constitutional powers is to put sunsets, and that way they come forward with the information and those of us that have the security clearances can go in. Now, not everybody who has security clearances has enough interest to go wading through this material like my friend from Iowa and I have.

But I think part of the problem has been people have been confused with the abuses that occurred, the outrageous abuses that occurred with the national security letter power, which has been reined in some, still not enough for my liking. And I really would like to rein in the national security letter power even further because it is not required to go before a district judge like these powers that we extended tonight for 3 years. That's where the abuses were. That's where the IG report said they were. And so that's where a tremendous amount of vigilance needs to be placed in making sure that the Justice Department does adequate vigilance themselves in not abusing the power they have.

And I'm sure I didn't make the Director of the FBI very happy when I pointed this out to him in committee, but it's what I believe, and that is that this Director came in to the FBI and eventually implemented—he called it a 5-year up-or-out policy. So that if you were a supervisor in the FBI, of a field office anywhere in the country, and you did 5 years in that location, at the end of 5 years, you had to either move to Washington, move up to Washington, or get out of the FBI. Move out, basically.

□ 2020

We have lost thousands of years of experience from our FBI. Now, I know what it is to be an aggressive prosecutor, young, out of law school. Had a little more hair back then. And boy, we are going to get the bad guys. There's something to be said for experience.

So it's not been uncommon to have FBI field offices around the country go, for example, from having a supervisor with 25 years of experience, he or she had seen it, done it, been there, and able to learn from mistakes, make wise decisions, and yet because of the 5-year up-or-out policy, they end up having to leave because they're not moving to Washington. And when they do, we have had offices, for example, come in and the new supervisor has 5 or 6 years' experience, the head supervisor. We go from 25, 26 years to 5 or 6; it's not good for the FBI. These are fantastic agents. Take nothing away from their knowledge and ability, but there is something to be said for 25 years of experience as a law enforcement officer. We lost that.

As we lost that, we began to see these vast abuses of the National Security Letters. And people need to know that the National Security Letter power was not up for renewal tonight. It is something I would like to address further because it has such tremendous

potential for abuse. I am hoping we can deal with that. I also further hope that those who were really upset or concerned will not just take demagogued statements, but will actually look into this, as I have.

And I have spent no telling how many hours pouring through material, classified material, pouring through the laws, the interpretation of the laws. These powers are basically the same powers the FBI has, these three that we renewed tonight, basically the same powers the FBI has to go after organized crime; and now they're allowed to do it with terrorism.

They pertain to terrorists, or agents, foreign agents of foreign powers. So if they're properly supervised, as I know my friend from Iowa and I will do unless we get kicked off of the Judiciary Committee, but as long as we're allowed to be there, and as unpleasant as some people find our positions at times, we want to make sure there's adequate supervision.

That's what I intend to do. That's what I know my friend from Iowa intends to do. That is what our friend MICHELLE BACHMANN from Minnesota will do. That's one of the most diligent people I have ever seen in anything. And I'm not sure there is another Member of Congress or the Senate that has a master's in any area of law. She has a master's in law.

So you have got people that are diligent, that understand the law, have studied it, and are looking into the allegations. I am comfortable with what we did tonight only to the extent that I know that there will be an awful lot more nights like I have had the last two nights where I get 1½, 2 hours sleep because there is so much to review, so much to cover, so much to read because of this important responsibility we have been handed.

But I hope people understand National Security Letters have been the area where there has been great abuse. Supposedly that's been reined in. But the reason some of us on the Republican side demanded sunsets on these is not because we think they are unconstitutional, but because we have got to have leverage to use with the Justice Department, no matter which party is in power in the White House, to make sure that our freedoms are preserved and Congress can use its power, have power, have leverage that gets respected by the Justice Department.

I appreciate my friend for yielding.

Mr. KING of Iowa. Reclaiming my time and thanking the gentleman from Texas, Judge Gohmert, who does do due diligence in this Congress, it occurs to me as I listen to the discussion here and participate in it, that there was a decided lack of enthusiasm for the Patriot Act on the part of Barack Obama when he was a partisan Senator. The most liberal Senator by voting record out of the 100 Senators in the United States Senate, and that includes BERNIE SANDERS, the self-proclaimed socialist who voted somewhat to

the right of Barack Obama when they were in the Senate together.

This candidate for President then, Barack Obama, had a position that was less than favorable towards this Patriot Act, but as he became President, sat down with his briefings, which I presume and hope are daily briefings, and he began to understand the threat against the United States that exists domestically and abroad. His position on the Patriot Act began to migrate. And perhaps as we speak now he is picking up his pen to sign the Patriot Act, the extensions of the three provisions that were approved here tonight that extends them for a 4-year period of time.

That, Mr. Speaker, brings this back before this Congress. And it means also that all of the people that are utilizing the Patriot Act within the sections 206, the roving wiretap; and 215, the business records component of this; and section 6001(a), the lone wolf component, each of which were extended here by this Congress for 4 years, all of the Federal agents that would be utilizing these provisions will be very well aware that Congress will be reviewing these provisions within 4 years of today. So they will be very careful I think to comply with the law. And I think this is a prudent extension rather than the effort to make it permanent. I think it's prudent to temporarily extend these provisions of the Patriot Act.

As the gentleman from Texas alluded, and I will just say I would like to reiterate and emphasize this point, of all of the things that we have heard and the things that we have heard up in the secure room from the classified standpoint, the things that we have heard before the Judiciary Committee and the many hearings that we have had, the challenge that was put out towards President Bush in a partisan effort, I think, to undermine the Patriot Act before the last Presidential election in November of 2008, all of those efforts, not one individual was produced who had had their constitutional rights usurped. Not one. Not one had lost their constitutional rights under the Patriot Act.

It would seem to me that of all of the encounters that have taken place under the Patriot Act for all these years, if there had been serious abuses of people's constitutional rights, we would have heard from an individual. And then a statement is made that, well, we won't know because we don't have access to these records, that they are all secret. Well, but the records are reported to the FISA court, and the FISA court evaluates them. And the reason we know that those records exist is because there is a requirement of the court reporting. But still, not an individual has come forward who has had their constitutional rights and their civil rights abused.

Now, that doesn't mean I am not taking a position here, Mr. Speaker, that it has not happened. And I am not tak-

ing the position that it could not happen. My position is that if it had been endemic, if it had been something that was systematically grinding through the civil rights of Americans or individuals that are in the United States and under the protections of our laws and our Constitution, we would know some of those names, we would know some of those faces, we would understand those incidents.

And one of the hardest things you can do in this business is to try to explain something that is law without putting a face on it; to try to explain a flaw that they argue might exist within the Patriot Act without being able to give an example or an anecdote to put that face on it so people can see by example how things work.

We are only dealing with data here. We are dealing with data here because we don't have the individual examples. They have not come forward. They have not been identified, however mightily some have tried to produce them. So I support the extensions that we passed here tonight. It is something that I have worked with here in this Congress into my ninth year. It's very much something we have examined, I think, very thoroughly with hearing after hearing, and intense debate, and amendments that were offered, as well as the secure briefings that take us much deeper into the practices of the Patriot Act.

So the three components that were extended here tonight for 4 years, the roving wiretaps, which are just absolutely necessary. If you can imagine Khalid Sheikh Mohammed running around, or Moussaoui running around the United States with a gym bag full of disposable cell phones, using one for a little while and tossing it in the trash, and then another and another and another, you have got to be able to switch and have the roving wiretap follow the individual rather than follow a single land line that might be there.

□ 2030

It just makes simple sense. It existed since the eighties for domestic investigations of crime, including organized crime.

We have the business records component of this, also extended for 4 years, that allows those business records to be accessed, to be able to look for patterns, patterns that would indicate the acts, the planning of terrorism against the American people.

We have the lone wolf provision, which says an agent of a foreign power, if that agent of a foreign power is operating, under the suspicion that that's the case, they can go in and do investigations, that also is extended for 4 years.

It was a difficult negotiation here in the House and in the Senate. It did come down to the last minute. Sometimes here in Congress we can only do things at the last minute.

I would like to, Mr. Speaker, transition this subject matter into another

subject matter that I understand the gentleman from Texas is prepared to discuss. In this brief segue, and I expect to yield so the gentleman from Texas can take this subject matter up, but in this transition and in this week, I think it's important that the House of Representatives and the American people consider what has happened with regard to especially the Middle East. Having come back from a trip through that area of the world and been briefed on a lot of our national security issues over in that part of the world, it comes to mind as I watched President Obama's speech last week about the Global War on Terror and about his efforts from a tactical, a geopolitical and a diplomatic effort in the Middle East, naming country after country that have gone through the Arab spring, as we now call it, the unrest in places like Egypt and Tunisia, and the list goes on. Certainly Libya is part of this. As I read carefully through President Obama's speech that I understand he delivered at the State Department about a week ago or so, if you take Israel out of the speech, the rest of it read like George W. Bush delivering the Bush Doctrine. A lot of that philosophy I support, that if you give people an opportunity to grasp and achieve and succeed with the beginnings of freedom, they'll turn their focus from hatred and from terrorism towards building their communities, their families and their countries and towards commerce. That philosophy is beginning to emerge with a level of success in Iraq, for example. It has been a belief of George Bush and known as the Bush Doctrine for a long time. As I listened to President Obama, who was critical of that approach and that doctrine and our involvement in places like Iraq and Afghanistan, I would point out that he gave a Bush Doctrine speech, with the exception of Israel. There, President Obama, I'll say, broke the mold and went down a new path, a bit of a surprising path, unless you are reading between the lines on his position on Israel in prior times, to make the argument that there would be a two-state solution between Israel and the Palestinians, that the Palestinians would have a single contiguous country. Right now it's either two pieces, West Bank and Gaza, or three pieces, West Bank, Gaza and whatever their claim might be to the Golan Heights. If you look at the map, it's not possible to tie together a contiguous Palestinian state without severing Israel from its components.

It was interesting, also, that President Obama said, well, this is how we want to do this, a contiguous Palestinian state, a two-state solution, and the issue of Jerusalem, we'll just set that aside for now but they have to go back to the '67 borders. That had to have caused a lot of Israelis and American Jewish people and those of us who have a strong support and affinity for Israel to take a deep breath and gasp and wonder what did the President

mean? Why did he throw all that confusion into the situation in Israel? And the statement that he made resulted in putting Israel at even greater risk, undermining their security, making their negotiating position less stable and encouraging more pushback from the Palestinian effort and their sympathizers and the terrorists that are part of the government, the Palestinians, who refuse to acknowledge Israel's right to exist. You cannot negotiate with people who are determined to annihilate you, and as Binyamin Netanyahu said, they're not going to concede the strategic locations that allow Israel to defend itself.

When Prime Minister Netanyahu spoke behind where I stand right now a couple of days ago, I think it was an historic speech, I think that he laid out the parameters that can allow the Jewish State of Israel to survive and defend itself against its enemies—and there are many—and I think he went about as far as he could without openly challenging the President of the United States who, by the way, had to walk back some of his comments a few days after his speech. So I'm happy with what has happened in the aftermath of President Obama's speech that I believe erroneously said that Israel would have to go back to the pre-'67 war boundaries.

But I want to, Mr. Speaker, as I turn this floor over to the gentleman from Texas, say to you and here before the American people that that speech took place here in the United States Congress because of the activism and the foresight and the effort of Congressman GOHMERT who put that request together and got a lot of us to sign the letter of invitation and with that support took it to Speaker BOEHNER who, as I understand it, issued the invitation, and the timing of it was impeccable timing in the aftermath of President Obama's speech, and at the time that there are critical issues taking place in the world, the Prime Minister of Israel, Binyamin Netanyahu, stepped here on the floor of the United States Congress and spoke before a joint session of Congress, and the joint session of Congress that received him as a representative of Israel with the warmest of welcomes that anyone could ask for, with instantaneous and spontaneous standing ovations, two or three of those before a word was uttered and several more before there was any word of substance uttered, the warmth and the bond and the commitment to stand up and support Israel not just in spirit, not just politically, but tactically and monetarily as well, was clearly demonstrated here in the joint session of Congress. That is thanks to the gentleman from Texas.

And so, Mr. Speaker, as I wrap this up, I would thank you for your attention and your indulgence, and I would yield back the balance of my time.

ISRAEL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) will control the remainder of the hour.

Mr. GOHMERT. Thank you, Mr. Speaker, and I am so grateful that I have such a dear friend from Iowa as Mr. STEVE KING. There's no price you can put on a dear friend like that. Thank you.

I would like to continue on in this discussion about the President's speech. I'm not quite sure what the President had in mind when he decided to rush over to the State Department and make a speech, when he knew the Prime Minister of our dear ally, Israel, was traveling to come to the United States. He knew that when he gave the speech that the Prime Minister would be at a great disadvantage. It was a speech, as I understand it, that wasn't run by the Prime Minister, was quite a surprise to him, and, in fact, when there were hints that the President might make the statements he did, there was a pleading not to do so.

□ 2040

I don't know if those are stories or, actually, how it occurred. That's no way to carry on international relations. It's certainly no way to treat our friends. It's not hard to understand that when it comes to international relations, if you treat your enemies better than you treat your friends, then your friends will desire to be your enemies, and you will get what you desire.

I don't know what the people in the White House are thinking; this is a friend. You don't do this to friends. So he jumps out and goes to the State Department where he has got a captive audience. Well, I say captive, apparently from what's on statements that have been made, the president of the Islamic Society of North America, which is a listed coconspirator in the Holy Land Foundation trial for funding Hamas, a terrorist organization, this president of the listed coconspirator of funding, or in the Holy Land Foundation trial for funding Hamas, made comments about the speech because he had been invited to be in the inner sanctum of our State Department by this administration.

This administration, this President, chose to make a speech, basically slapping a friend in the face, and at the same time invite the president of a listed coconspirator for funding terrorism to be in attendance so he could talk about how wonderful the speech was. The same Imam Majid, the president of the Islamic Society of North America that we find from reading the transcript of the speech that the number two person in the National Security Administration, the deputy National Security Adviser, said this spring, as he addressed the All Dulles Area Muslim Society, which they like to call ADAMS, for short, he thanked

Imam Majid, the president, this listed coconspirator, for his remarks and also to talk about how wonderful his prayer was at the White House Iftar celebration last year, which is the celebration in Islam that marks the end of the fasting of Ramadan.

And in the remarks, the deputy National Security Adviser of the United States commented on the President noting that this was really a continuation of the Iftar celebration that Thomas Jefferson had, once again, marking that the President is not getting good information about our Nation's history.

There are not 57 States; we are not, as the President said, producing more oil now than we ever have. You don't have to go back that far. We were producing 9.6 million billion barrels a day, and now we are producing 5.5. Do the math, if somebody will be honest enough to give the President the right information.

He says we never had more people on the border than we do right now. Somebody show the history of 1916 when a President—who I don't have a great deal of admiration for, Woodrow Wilson—knew that it was wrong to have a Mexican bandit, or a bandit group led by Pancho Villa come into the United States and be responsible for killing a handful of American citizens.

That was enough to motivate the President at that time to call up something new called the National Guard and to send General Pershing down there with over 10,000 troops to go into Mexico, root out the troublemakers—many were killed even though he didn't catch Pancho Villa, but the murders stopped. The intrusions into the United States across our sovereign border stopped. The 100,000-plus National Guard troops that were placed on our border in 1916 made sure that the intrusions stopped.

And by General Pershing going in, they made sure that they were not going to want to come try that again. That's how you deal with domestic or foreign terrorism. You can't try to love people and you can love your enemies and in Christianity we are taught to do that. And as individual Christians, that's what we are supposed to do.

But when we take an oath to defend this Constitution, when we have the responsibility of an oath to defend this Nation, to provide for the common defense, then it is incumbent upon us to provide for the common defense, and we have a different standard for which we have to answer.

So, yes, Christians are supposed to love one another. But the government's responsibility, as noted in Romans 13, is, as the scripture tells, someone tempted to do evil. If you do evil, be afraid, because God does not give the government the sword in vain.

We have a responsibility to provide for a free society and a safe society where people will be free to love each other and to make free choices. And, yes, when there is a religion that has

been hijacked by radicals that says you give people freedom of choice, that's wrong, we need to have a caliphate. We need to have a religious leader that tells everybody what they can do. That way we avoid all the debauchery that you can see on any evening news in America.

The trouble is, God gave us freedom of choice. We can choose well or we can choose poorly, and the government ought to ensure, any government ought to ensure that people have that opportunity to do that as well.

So, after the President's speech, which basically amounted to a slap in the face of the leader of our friend, Israel, after the inaccurate representation by the White House that, gee, this is where all the talks have always started, well, not exactly. That was the point to which the Clinton administration pushed Prime Minister Barak, when he was the Prime Minister of Israel and, who knows, God knows, I think God hardened Arafat's heart so that when the Clinton administration had pushed Prime Minister Barak, what I think was far too far, which would have made Israel indefensible by any conventional means when Arafat had basically everything that he wanted, except the extinction of Israel, Arafat's heart was hardened and he said, no, I am not entering the deal, thank goodness for Israel. So Israel remained a defensible Nation.

Now, when the White House, when the President tried to walk back his comments and explain—and as someone besides me has said before, when you hear someone say what I said was, it normally means that it isn't what they said. It's them trying to get a better twist than actually was the words that were said.

But in the President's speech, where he tried to massage the words that he had given on Thursday, the President's word, and I have got a transcript of his speech here, President Obama said, "The United States believes that negotiations should result in two states, with permanent Palestinian borders with Israel, Jordan, and Egypt, and permanent Israeli borders with Palestine."

He goes on and says, "The Palestinian people must have the right to govern themselves and reach their potential in a sovereign and contiguous state."

So this is the President's speech after he has been chastised by so many in his own party and so many across America who apparently are better friends to Israel than our President. He has had time to think about it, to pour over and make sure he doesn't make a mistake of saying something this time that he doesn't mean.

□ 2050

So if we want to give the President the benefit of the doubt that he made mistakes on what he said Thursday, then let's look at what he said this past weekend, and that should be what

he really meant because he had time to massage the words he said.

I think it is helpful to look at a map of Israel right now. This is the West Bank where Palestinians are located, but it's under the control, ultimately, of Israel right now. This was originally Israel's territory after 1967. This down here is the Sinai Peninsula where Egypt is now.

After Israel was attacked unprovoked, Israel defended itself and took the Sinai Peninsula, took over the West Bank, took over Jerusalem, and took over the Golan Heights up here. And that was a defensible state. But Israel—and I didn't really understand it fully until I went to Israel for the first time. I couldn't understand. Why do you guys not get it, that when you unilaterally give away land trying to buy peace, you lose the land and you provide a staging area from which you are ultimately attacked again?

But once I had been in Israel and I saw locations of families and friends being blown up by suicide bombers, saw the location of children and families that were killed, terrorized by rockets, now about 12,000 of them, I understood a little better. They are so tired of being terrorized and losing friends and family that they're willing to say, Look, we'll give you this area up here in Lebanon that we were able to control after the '67 war when you attacked us, we will give it back to you if you'll just leave us alone.

Patrick Henry said, People cry, peace, peace, but there is no peace. Israel wanted peace, so they gave away northern Israel, what's now colored as part of Lebanon. And so it wasn't but a few years ago Lebanon starts attacking, comes across the border, takes hostages, attacks Israel from the very area which Lebanon had been given in Israel's unilateral quest for peace.

Now, during the times before they controlled the Golan Heights, this area is quite high. It overlooks the Sea of Galilee and the Jordan River. And it was real easy to just lob artillery shells from the Golan Heights into Israel, terrorizing farmers and killing. It was indefensible. So by the grace of God, after they were attacked, they took the Golan Heights, and they still hold them. And it is an area that by holding they can avoid having cheap mortars that are a lot cheaper than rockets just being lobbed over into their settled areas, their civilized areas, killing and terrorizing all the more.

The West Bank—my hats go off to Prime Minister Fayyad for the efforts he has made in trying to bring up the West Bank and the Palestinian areas. I was critical because Palestinians have received billions of dollars, and yet they have not been building homes for the rank-and-file refugees, which seems to indicate to me they wanted to keep fomenting hatred toward the Jews, toward the Israelis.

Now let's take the President's words that he had time to massage. He

learned from his mistake on Thursday, supposedly. He says that it should result in two states with permanent Palestinian borders with Israel, Jordan, and Egypt. Well, you've got the Gaza Strip that Israel unilaterally gave back, and now they have suffered thousands and thousands of rockets, terrorism, and death as a result of that generous gift of the Gaza Strip back. If you'll just leave us alone, we'll give you this wonderful strip. They gave it back. People cried peace, peace, but there was no peace. There is no peace now. They're still ready—if you'll just leave us alone—to make peace.

But under the President's words, gee, he uses the statement, in a sovereign contiguous state. Well, Palestinians have the Gaza Strip and they are occupying the West Bank. For that to be contiguous, there's only one of two things that can happen, and that is, if you cut Israel up, or you give all of this area to the Palestinians that are now completely in signed agreement with a terrorist group, Hamas, then you give all of this for the use of a terrorist group, Hamas. And so then that would fulfill the President's desire as he had time to massage it and think about it, giving all of this land to Hamas, Palestinians, all of this area up here.

Well, but wait a minute. He said that after he described the borders that we would demand for the Palestinians, he said they would have a border with Egypt and with Jordan, comes clear up here, and that Israel would have permanent Israeli borders with Palestine. Well, he described the borders he wanted for the Palestinians. So his message words, it seems, would mean that for Israel to only have borders with the Palestinians, you also have to give Palestine up here into Lebanon so that you have this little area, this little strip left for Israel, because that's what the President said.

After he had days to think about his mistake on Thursday, this is the best that he can do? We're going to give Israel a little strip?

And, by the way, can you imagine if Canada or Russia or China, one of their leaders, made a speech and said, United States, by the way, we think you ought to give away Arizona? You know, you've got drug smugglers up there; it would be a lot safer. You basically let them have it anyway. Why don't you just give it to the drug smugglers?

Can you imagine that? Well, that's the interdiction of a meddling President. He is trying to tell another sovereign state where they can have their borders and where they can't. That is not what you do to a friend.

And I know that we're winding down to the minutes, and I know that some people have been taught or miseducated about our history. Well, we are not going to be in session here on June 6. June 6 is the anniversary of D-day, when we lost thousands and thousands of Americans who were trying to retake a beachhead in Europe

and eliminate the horrible force that was taking away freedoms and killing 6 million Jews.

And so to conclude tonight, Mr. Speaker, I want to read a prayer. Since we are not going to be in session on June 6, I want to read the prayer that Franklin Delano Roosevelt read live on national radio on June 6, 1944.

President Roosevelt said these words: "My fellow Americans, last night, when I spoke with you about the fall of Rome, I knew at that moment that troops of the United States and our Allies were crossing the Channel in another and greater operation. It has come to pass with success thus far. And so, in this poignant hour, I ask you to join with me in prayer."

And then Roosevelt's prayer begins: "Almighty God: Our sons, pride of our Nation, this day have set upon a mighty endeavor, a struggle to preserve our Republic, our religion, and our civilization, and to set free a suffering humanity. Lead them straight and true; give strength to their arms, stoutness to their hearts, steadfastness in their faith.

"They will need Thy blessings. Their road will be long and hard. For the enemy is strong. He may hurl back our forces. Success may not come with rushing speed, but we shall return again and again; and we know that by Thy grace, and by the righteousness of our cause, our sons will triumph. They will be sore tried, by night and by day, without rest—until the victory is won. The darkness will be rent by noise and flame. Men's souls will be shaken with the violences of war.

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"For these men are lately drawn from the ways of peace. They fight not for the lust of conquest. They fight to end conquest. They fight to liberate. They fight to let justice arise, and tolerance and goodwill among all Thy people. They yearn but for the end of battle, for their return to the haven of home.

"Some will never return. Embrace these, Father, and receive them, Thy heroic servants, into Thy kingdom. And for us at home—fathers, mothers, children, wives, sisters, and brothers of brave men overseas, whose thoughts and prayers are ever with them—help us, Almighty God, to rededicate ourselves in renewed faith in Thee in this hour of great sacrifice.

"Many people have urged that I call the Nation into a single day of special prayer. But because the road is long and the desire is great, I ask that our people devote themselves in a continuance of prayer. As we rise to each new day, and again when each day is spent, let words of prayer be on our lips, invoking Thy help to our efforts.

"Give us strength, too—strength in our daily tasks, to redouble the contributions we make in the physical and the material support of our Armed Forces. And let our hearts be stout, to wait out the long travail, to bear sor-

rows that may come, to impart our courage unto our sons wheresoever they may be.

"And, O Lord, give us faith. Give us faith in Thee; faith in our sons; faith in each other; faith in our united crusade. Let not the keenness of our spirit ever be dulled. Let not the impacts of temporary events, of temporal matters of but fleeting moment—let not these deter us in our unconquerable purpose.

"With Thy blessing, we shall prevail over the unholy forces of our enemy. Help us to conquer the apostles of greed and racial arrogances. Lead us to the saving of our country, and with our sister nations into a world unity that will spell a sure peace—a peace invulnerable to the schemings of unworthy men. And a peace that will let all of men live in freedom, reaping the just rewards of their honest toil.

"Thy will be done, Almighty God, Amen."

The words of Franklin D. Roosevelt on D-day, June 6, 1944.

Mr. Speaker, with that, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. OWENS (at the request of Ms. PELOSI) for today after 2:30 p.m. on account of a family emergency.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 13. Concurrent resolution honoring the service and sacrifice of members of the United States Armed Forces who are serving in, or have served in, Operation Enduring Freedom, Operation Iraqi Freedom, and Operation New Dawn; to the Committee on Armed Services; in addition, to the Committee on Veterans' Affairs for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 990. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on April 15, 2011 she presented to the President of the United States, for his approval, the following bill.

H.R. 1473. Making appropriations for the Department of Defense and the other departments and agencies of the Government for

the fiscal year ending September 30, 2011, and for other purposes.

Karen L. Haas, Clerk of the House further reports that on May 2, 2011 she presented to the President of the United States, for his approval, the following bill.

H.R. 1308. To amend the Ronald Reagan Centennial Commission Act to extend the termination date for the Commission, and for other purposes.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 4 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, May 27, 2011, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

1688. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery Off the Southern Atlantic States; Closure of the Penaeid Shrimp Fishery Off South Carolina [Docket No.: 930792-3265] (RIN: 0648-XA305) received April 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1689. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No.: 001005281-0369-02] (RIN: 0648-XA01) received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1690. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District of the Gulf of Alaska [Docket No.: 101126522-0640-02] (RIN: 0648-XA362) received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1691. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Trip Limit Adjustments for the Common Pool Fishery [Docket No.: 0910051338-0151-02] (RIN: 0648-XA304) received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1692. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No.: 101126521-0640-02] (RIN: 0648-XA347) received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1693. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer [Docket No.: 101029427-0609-02] (RIN: 0648-XA338) received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1694. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Limited Access for Guided Sport Charter Vessels in Alaska [Docket No.: 110325225-1224-02] (RIN: 0648-BA96) received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1695. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions #1, #2, #3, and #4 [Docket No.: 100218107-0199-01] (RIN: 0648-XA293) received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1696. A letter from the Management and Program Analyst, Department of Homeland Security, transmitting the Department's final rule — Documents Acceptable for Employment Eligibility Verification [CIS No.: 2441-08; Docket No.: USCIS-2008-0001] (RIN: 1615-AB69) received April 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1697. A letter from the Deputy Assistant Administrator, office of Diversion Control, Department of Justice, transmitting the Department's final rule — Self-Certification and Employee Training of Mail-Order Distributors of Scheduled Listed Chemical Products [Docket No.: DEA-347I] (RIN: 1117-AB30) received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1698. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model BD-100-1A10 (Challenger 300) Airplanes [Docket No.: FAA-2010-1200; Directorate Identifier 2010-NM-136-AD; Amendment 39-16647; AD 2011-07-10] (RIN: 2120-AA64) received May 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1699. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Piper Aircraft, Inc. (Type Certificate Previously Held by The New Piper Aircraft, Inc.) Models PA-46-310P, PA-46-350P, and PA-46R-350T Airplanes [Docket No.: FAA-2010-1295; Directorate Identifier 2010-CE-060-AD; Amendment 39-16635; AD 2011-06-10] (RIN: 2120-AA64) received May 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1700. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney JT8D-209, -217, -217A, -217C, and -219 Series Turbofan Engines [Docket No.: FAA-2010-0452; Directorate Identifier 98-ANE-80-AD; Amendment 39-16639; AD 2011-07-02] (RIN: 2120-AA64) received May 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1701. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness

Directives; Airbus Model A340-200 and -300 Series Airplanes [Docket No.: FAA-2011-0256; Directorate Identifier 2010-NM-114-AD; Amendment 39-16645; AD 2011-07-08] (RIN: 2120-AA64) received May 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1702. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Services B.V. Model F.28 Mark 1000, 2000, 3000, and 4000 Airplanes [Docket No.: FAA-2010-1304; Directorate Identifier 2010-NM-254-AD; Amendment 39-16644; AD 2011-07-07] (RIN: 2120-AA64) received May 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1703. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France (Eurocopter) Model EC130 B4 Helicopters [Docket No.: FAA-2011-0212; Directorate Identifier 2010-SW-055-AD; Amendment 39-16632; AD 2011-06-07] (RIN: 2120-AA64) received May 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1704. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes, CL-600-2C10 (Regional Jet Series 700, 701, & 702) Airplanes, CL-600-2D15 (Regional Jet Series 705) Airplanes, and CL-600-2D24 (Regional Jet Series 900) Airplanes [Docket No.: FAA-2010-0703; Directorate Identifier 2010-NM-040-AD; Amendment 39-16633; AD 2011-06-08] (RIN: 2120-AA64) received May 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1705. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310 Series Airplanes, and Airbus Model A300 B4-600, B4-600R, and P4-600R Series Airplanes, and Model C4-605R Variant F airplanes (Collectively Called A300-600 Series Airplanes) [Docket No.: FAA-2010-1162; Directorate Identifier 2010-NM-099-AD; Amendment 39-16634; AD 2011-06-09] (RIN: 2120-AA64) received May 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HALL: Committee on Science, Space, and Technology. H.R. 1425. A bill to reauthorize and improve the SBIR and STTR programs, and for other purposes; with an amendment (Rept. 112-90, Pt. 1). Ordered to be printed.

Mr. ADERHOLT: Committee on Appropriations. H.R. 2017. A bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes (Rept. 112-91). Referred to the Committee of the Whole House on the State of the Union.

Mr. DREIER: Committee on Rules. House Resolution 281. Resolution providing for consideration of the Senate amendment to the House amendment to the bill (S. 990) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of

1958, and for other purposes (Rept. 112-92). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SHULER (for himself, Mr. ALTMIRE, Mr. KISSELL, Mr. ROSS of Arkansas, Mr. BILBRAY, Mr. BURTON of Indiana, Mrs. CAPITO, Mr. COFFMAN of Colorado, Mr. DAVIS of Kentucky, Mr. DUNCAN of Tennessee, Mr. GERLACH, Mr. GINGREY of Georgia, Mr. JONES, Mr. MARCHANT, Mr. MCCAUL, Mrs. MYRICK, Mr. GARY G. MILLER of California, Mr. ROYCE, Mr. YOUNG of Florida, Mr. ROE of Tennessee, Mr. LEWIS of California, Mr. GUINTA, Mr. MCINTYRE, Mr. CARTER, Mr. CALVERT, Mr. YOUNG of Alaska, Mr. ROHRABACHER, Mr. MANZULLO, Mr. SESSIONS, Mr. LAMBORN, Mr. VISCLOSKEY, Mr. FORTENBERRY, Mr. BACHUS, Mr. MCHENRY, Mr. BARLETTA, Mr. MATHESSON, and Mr. NUNNELEE):

H.R. 2000. A bill to provide immigration reform by securing America's borders, clarifying and enforcing existing laws, and enabling a practical employer verification program; to the Committee on Homeland Security, and in addition to the Committees on the Judiciary, Ways and Means, Education and the Workforce, Oversight and Government Reform, Armed Services, Agriculture, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS:

H.R. 2001. A bill to amend the Internal Revenue Code of 1986 to prevent the payment of unemployment compensation to individuals discharged for drug or alcohol use; to the Committee on Ways and Means.

By Mr. CHAFFETZ:

H.R. 2002. A bill to amend title 38, United States Code, to permit disabled or injured members of the Armed Forces to transfer Post 9/11 Educational Assistance benefits after retirement, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DEFAZIO (for himself, Mr.

BRALEY of Iowa, and Mr. HOLT):

H.R. 2003. A bill to amend the Internal Revenue Code of 1986 to impose a tax on transactions in oil futures, options, and swaps, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BERMAN:

H.R. 2004. A bill to authorize the President to control the transfer of goods, services, technology, and software to protect the national security, and to promote the foreign policy, of the United States, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey (for himself and Mr. DOYLE):

H.R. 2005. A bill to reauthorize the Combating Autism Act of 2006; to the Committee on Energy and Commerce.

By Mr. SMITH of New Jersey (for himself and Mr. DOYLE):

H.R. 2006. A bill to establish a National Autism Spectrum Disorders Initiative, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SMITH of New Jersey (for himself and Mr. DOYLE):

H.R. 2007. A bill to establish programs to provide services to individuals with autism and the families of such individuals, and to increase public education and awareness of autism, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ISSA (for himself, Mr. COLE, Mr. GRAVES of Missouri, Mr. AMASH, Mr. GOWDY, Mr. LANKFORD, Mr. ROSS of Florida, Mr. MCHENRY, Mr. WALBERG, and Mr. KELLY):

H.R. 2008. A bill to amend title 41, United States Code, to prohibit inserting politics into the Federal acquisition process by prohibiting the submission of political contribution information as a condition of receiving a Federal contract; to the Committee on Oversight and Government Reform.

By Mr. BILBRAY (for himself, Mr. ISSA, Mr. MORAN, Mr. BOREN, and Mr. HUNTER):

H.R. 2009. A bill to amend the Clean Air Act to define next generation biofuel, and to allow States the option of not participating in the corn ethanol portions of the renewable fuel standard due to conflicts with agricultural, economic, energy, or environmental goals; to the Committee on Energy and Commerce.

By Mr. PAULSEN (for himself, Mr. TIBERI, Ms. GRANGER, Mr. CULBERSON, Mr. BURTON of Indiana, Mr. FRANKS of Arizona, Mr. MCHENRY, Mr. FLEMING, Mr. GARRETT, Mr. GOHMERT, Ms. HERRERA BEUTLER, Mr. LUETKEMEYER, Mr. DANIEL E. LUNGREN of California, Mr. MANZULLO, Mr. PEARCE, Mr. CHAFFETZ, Mr. PAUL, Mr. ROSKAM, Mrs. LUMMIS, Mrs. MCMORRIS RODGERS, Mr. WESTMORELAND, Mr. BRADY of Texas, Mr. DENT, Mrs. BIGGERT, Mr. LANCE, and Mr. ROONEY):

H.R. 2010. A bill to amend the Internal Revenue Code of 1986 to improve access to health care through expanded health savings accounts, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAMBORN (for himself, Mr. HASTINGS of Washington, Mr. GOHMERT, Mr. BISHOP of Utah, Mr. FLEMING, Mr. MCCLINTOCK, Mr. THOMPSON of Pennsylvania, Mr. RIVERA, Mr. GOSAR, Mr. TIPTON, Mr. HARRIS, Mr. BENISHEK, Mr. FLEISCHMANN, Mr. JOHNSON of Ohio, Mr. BOREN, Mr. SIMPSON, Mr. GALLEGLY, Mrs. LUMMIS, Mrs. MCMORRIS RODGERS, Mr. MATHESON, Mr. YOUNG of Alaska, and Mr. DUNCAN of Tennessee):

H.R. 2011. A bill to require the Secretary of the Interior to conduct an assessment of the capability of the Nation to meet our current and future demands for the minerals critical to United States manufacturing competitiveness and economic and national security in a time of expanding resource nationalism, and for other purposes; to the Committee on Natural Resources.

By Ms. BASS of California (for herself and Mr. CROWLEY):

H.R. 2012. A bill to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring for

children in foster care; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NUNES:

H.R. 2013. A bill to empower States with programmatic flexibility and financial predictability to improve their Medicaid programs and State Children's Health Insurance Programs by ensuring better health care for low-income pregnant women, children, and families, and for elderly individuals and disabled individuals in need of long-term care services and supports, whose income and resources are insufficient to meet the costs of necessary medical services; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, House Administration, Natural Resources, the Judiciary, Rules, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARTER (for himself, Mr. BOREN, and Mr. ROGERS of Alabama):

H.R. 2014. A bill to encourage greater use of propane as a transportation fuel, to create jobs, and for other purposes; to the Committee on Ways and Means.

By Mr. FATTAH:

H.R. 2015. A bill to establish the Commission on American Discoveries and American Jobs to study and recommend improvements to the federal funding of research; to the Committee on Science, Space, and Technology.

By Mrs. MALONEY (for herself, Mr. DUNCAN of Tennessee, Mr. COSTA, Mr. MCGOVERN, Mr. GRIJALVA, and Mrs. MCCARTHY of New York):

H.R. 2016. A bill to amend the Higher Education Act of 1965 to improve education and prevention related to campus sexual violence, domestic violence, dating violence, and stalking; to the Committee on Education and the Workforce.

By Mr. ADERHOLT:

H.R. 2017. A bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes.

By Mr. MICA (for himself, Mr. RAHALL, Mr. SHUSTER, Mrs. CAPITO, Mr. COBLE, Mr. BARLETTA, Mr. LANDRY, Mr. DUNCAN of Tennessee, Mr. BUCSHON, Mr. CRAWFORD, Mr. GRAVES of Missouri, Mr. GIBBS, Mr. CRITZ, Mr. ALTMIRE, Mr. HOLDEN, Mr. HUNTER, Mr. GARY G. MILLER of California, Mr. YOUNG of Alaska, Mrs. SCHMIDT, and Mr. ROGERS of Kentucky):

H.R. 2018. A bill to amend the Federal Water Pollution Control Act to preserve the authority of each State to make determinations relating to the State's water quality standards, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. RICHARDSON (for herself, Mr. CONYERS, Mr. NADLER, Mr. SERRANO, Ms. NORTON, Ms. LEE of California, Mr. FILNER, Ms. SLAUGHTER, Ms. VELÁZQUEZ, Mr. JACKSON of Illinois, Mr. CLEAVER, Mr. STARK, Mr. LEWIS of Georgia, Mr. GRIJALVA, Mr. DEFAZIO, Mr. CUMMINGS, Mr. TOWNS, Ms. CLARKE of New York, Ms. JACKSON LEE of Texas, Mr. JOHNSON of Georgia, Mr. SABLAN, Mrs. NAPOLITANO, Ms. CHU, Ms. BASS of California, Mr. CAPUANO, Ms. FUDGE, Ms. ROYBAL-ALLARD, Mrs. MALONEY,

Mr. ELLISON, Mr. SIRES, Mr. BUTTERFIELD, Ms. BROWN of Florida, Mr. COHEN, Ms. SCHAKOWSKY, Mr. PAYNE, Mr. RANGEL, Mr. BACA, Ms. MOORE, Mr. MEEKS, and Mrs. CHRISTENSEN):

H.R. 2019. A bill to prevent and remedy discrimination with respect to federally funded transportation projects, programs, and activities, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURGESS (for himself, Ms. BERKLEY, Mrs. MYRICK, Ms. SCHWARTZ, Mr. SESSIONS, Mr. RANGEL, Mr. GENE GREEN of Texas, and Mrs. MCMORRIS RODGERS):

H.R. 2020. A bill to amend title XVIII of the Social Security Act to improve access to, and utilization of, bone mass measurement benefits under the Medicare part B program by extending the minimum payment amount for bone mass measurement under such program through 2013; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARDNER (for himself, Mr. GENE GREEN of Texas, Mr. POMPEO, Mr. SHIMKUS, Mr. SCALISE, Mr. BURGESS, Mr. TERRY, Mr. PITTS, Mr. KINZINGER of Illinois, Mr. GRIFFITH of Virginia, Mr. OLSON, and Mrs. MCMORRIS RODGERS):

H.R. 2021. A bill to amend the Clean Air Act regarding air pollution from Outer Continental Shelf activities; to the Committee on Energy and Commerce.

By Ms. BASS of California:

H.R. 2022. A bill to authorize the Secretary of Health and Human Services to conduct a study on the recruitment and retention of foster parents in the United States; to the Committee on Ways and Means.

By Mr. BURTON of Indiana (for himself, Mr. LAMBORN, Mr. FORBES, Mr. JONES, Mr. WESTMORELAND, Mr. TERRY, Mr. MCCOTTER, Mr. FRANKS of Arizona, Mr. SIMPSON, Mr. GARRETT, and Mr. BARTON of Texas):

H.R. 2023. A bill to amend the Revised Statutes of the United States to prevent the use of the legal system in a manner that exerts money from State and local governments, and the Federal Government, and inhibits such governments' constitutional actions under the first, tenth, and fourteenth amendments; to the Committee on the Judiciary.

By Mr. BUTTERFIELD:

H.R. 2024. A bill to amend title 39, United States Code, to provide that the procedures governing the closure or consolidation of postal branches and stations shall be the same as those applicable in the case of post offices; to the Committee on Oversight and Government Reform.

By Mr. CARTER (for himself, Mr. JONES, Mr. GOSAR, and Mr. GOHMERT):

H.R. 2025. A bill to amend title 32, United States Code, to require the Secretary of Defense to provide funds to support the use by a State of the National Guard, State defense forces, and law enforcement agencies in securing an international border that forms part of the border of the State, and for other purposes; to the Committee on Armed Services.

By Mr. CICILLINE (for himself, Mr. KEATING, Mr. LANGEVIN, Mr. BOREN,

Mr. LUJÁN, Mr. COURTNEY, Mr. DEFAZIO, Ms. SLAUGHTER, Mr. HIGGINS, and Ms. JACKSON LEE of Texas):

H.R. 2026. A bill to provide grants to establish veteran's treatment courts; to the Committee on the Judiciary.

By Mr. CICILLINE:

H.R. 2027. A bill to revise the boundaries of John H. Chafee Coastal Barrier Resources System Sachuest Point Unit RI-04P, Easton Beach Unit RI-05P, Almy Pond Unit RI-06, and Hazards Beach Unit RI-07 in Rhode Island; to the Committee on Natural Resources.

By Mr. COHEN (for himself, Mr. DAVIS of Illinois, Mr. CONYERS, Mr. GEORGE MILLER of California, Mr. GRIJALVA, Mr. ACKERMAN, Mr. BERMAN, Mr. TOWNS, Ms. MOORE, Mr. BISHOP of New York, Mr. DOYLE, Mr. STARK, Mr. JOHNSON of Georgia, Mr. RYAN of Ohio, Mr. WATT, Ms. CHU, and Mr. POLIS):

H.R. 2028. A bill to amend title 11 of the United States Code to modify the dischargeability of debts for certain educational payments and loans; to the Committee on the Judiciary.

By Ms. DeLAURO (for herself, Mr. BARROW, Mr. BILBRAY, Mrs. BLACKBURN, Mr. BUTTERFIELD, Mrs. CAPPS, Ms. CASTOR of Florida, Mrs. CHRISTENSEN, Ms. DeGETTE, Mr. ENGEL, Ms. ESHOO, Mr. GONZALEZ, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. HALL, Mr. HINCHEY, Mr. JACKSON of Illinois, Mr. KING of New York, Mr. LANCE, Ms. LEE of California, Mr. MATHESON, Ms. MATSUI, Mr. MARKEY, Mr. MCCAUL, Mr. McDERMOTT, Mrs. MCMORRIS RODGERS, Mr. MILLER of North Carolina, Ms. MOORE, Mr. MURPHY of Connecticut, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SESSIONS, Ms. SLAUGHTER, Ms. SUTTON, Mr. TOWNS, Mr. WEINER, and Mr. WELCH):

H.R. 2029. A bill to authorize the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, to establish and implement a birth defects prevention, risk reduction, and public awareness program; to the Committee on Energy and Commerce.

By Ms. EDWARDS (for herself, Mr. CARNAHAN, Ms. LEE of California, Mr. GRIJALVA, Ms. HIRONO, Mr. STARK, Ms. MOORE, Mr. MORAN, Mr. CLEAVER, Mr. TONKO, Ms. PINGREE of Maine, Mr. HOLT, Mr. VAN HOLLEN, Ms. SCHAKOWSKY, Mr. PRICE of North Carolina, and Mr. MCGOVERN):

H.R. 2030. A bill to establish centers of excellence for green infrastructure, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FINCHER:

H.R. 2031. A bill to amend the Plant Protection Act to expedite the process for approval of certain biotechnology products, and for other purposes; to the Committee on Agriculture.

By Mr. FRANK of Massachusetts (for himself, Mr. GOODLATTE, Ms. WASSERMAN SCHULTZ, Mr. CULBERSON, Mr. PAYNE, Mr. MORAN, Mr. RUSH, Mrs. MCMORRIS RODGERS, Mr. MANZULLO, and Mr. FILNER):

H.R. 2032. A bill to protect the interests of each resident of intermediate care facilities for the mentally retarded in class action

lawsuits by federally-funded entities involving such residents and in Department of Justice actions that could result in an agreement to move such a resident from that resident's facility; to the Committee on the Judiciary.

By Mr. GERLACH (for himself and Mr. GONZALEZ):

H.R. 2033. A bill to authorize and support psoriasis and psoriatic arthritis data collection, to express the sense of the Congress to encourage and leverage public and private investment in psoriasis research with a particular focus on interdisciplinary collaborative research on the relationship between psoriasis and its comorbid conditions, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GERLACH:

H.R. 2034. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to include fire police officers in the list of officers who are eligible for public safety officers' death benefits; to the Committee on the Judiciary.

By Mr. GRIFFIN of Arkansas:

H.R. 2035. A bill to amend the Patient Protection and Affordable Care Act to provide for greater disclosure in the process for waiving annual limitation requirements under that Act; to the Committee on Energy and Commerce.

By Mr. GRIFFITH of Virginia (for himself, Mr. GONZALEZ, Mr. REHBERG, Mr. WHITFIELD, and Mr. SHIMKUS):

H.R. 2036. A bill to repeal certain barriers to domestic fuel production, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Oversight and Government Reform, Armed Services, and Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIJALVA:

H.R. 2037. A bill to establish the Santa Cruz Valley National Heritage Area, and for other purposes; to the Committee on Natural Resources.

By Mr. HIGGINS:

H.R. 2038. A bill to amend the Federal Election Campaign Act of 1971 to provide for limitations on expenditures in elections for the House of Representatives; to the Committee on House Administration.

By Mr. ISRAEL:

H.R. 2039. A bill to suspend temporarily the duty on nightlights of plastic; to the Committee on Ways and Means.

By Mr. KING of Iowa (for himself, Mr. DUNCAN of South Carolina, Ms. FOX, Mr. GARY G. MILLER of California, and Mr. PAUL):

H.R. 2040. A bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities; to the Committee on Education and the Workforce.

By Mr. KINGSTON (for himself, Mr. JORDAN, Mr. FLAKE, and Mr. GRAVES of Georgia):

H.R. 2041. A bill to reduce Federal spending in a responsible manner; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSEN of Washington (for himself, Mr. HERGER, Mr. CROWLEY, Mr. BRADY of Texas, and Mr. DANIEL E. LUNGREN of California):

H.R. 2042. A bill to require the Secretary of Homeland Security, in consultation with the Secretary of State, to establish a program to

issue Asia-Pacific Economic Cooperation Business Travel Cards, and for other purposes; to the Committee on Homeland Security.

By Mr. MEEKS:

H.R. 2043. A bill to amend the Revised Statutes of the United States to authorize vicarious liability in certain civil actions dealing with the deprivation of rights; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 2044. A bill to amend the Federal Food, Drug, and Cosmetic Act concerning claims about the effects of foods and dietary supplements on health-related conditions and disease, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PAUL:

H.R. 2045. A bill to amend the Federal Trade Commission Act concerning the burden of proof in false advertising cases involving dietary supplements and dietary ingredients; to the Committee on Energy and Commerce.

By Mr. RANGEL:

H.R. 2046. A bill to amend title 10, United States Code, to ensure that members of the Armed Forces who are being separated from active duty receive comprehensive employment assistance, job training assistance, and other transitional services; to the Committee on Armed Services.

By Ms. ROS-LEHTINEN (for herself, Mr. SIRES, Mr. MACK, Mr. RIVERA, Mr. WEST, Mr. CONNOLLY of Virginia, Mr. BUCHANAN, and Mr. DIAZ-BALART):

H.R. 2047. A bill to amend the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 to exclude from the United States aliens who contribute to the ability of Cuba to develop petroleum resources located off Cuba's coast and to provide for the imposition of sanctions and prohibition on facilitation of development of Cuba's petroleum resources, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Foreign Affairs, Financial Services, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYAN of Ohio:

H.R. 2048. A bill to expand the eligibility for the provision of Government headstones, markers, and medallions for veterans buried at private cemeteries; to the Committee on Veterans' Affairs.

By Mr. SENSENBRENNER:

H.R. 2049. A bill to amend the Internal Revenue Code of 1986 to increase the limitation on capital losses to \$10,500 and to index such limitation to inflation; to the Committee on Ways and Means.

By Mr. SIMPSON:

H.R. 2050. A bill to authorize the continued use of certain water diversions located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in the State of Idaho, and for other purposes; to the Committee on Natural Resources.

By Mr. TIBERI (for himself and Mr. STIVERS):

H.R. 2051. A bill to direct the Secretary of Veterans Affairs to assist in the identification of unclaimed and abandoned human remains to determine if any such remains are eligible for burial in a national cemetery, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. TONKO:

H.R. 2052. A bill to direct the Secretary of Veterans Affairs to establish a registry of certain veterans who were stationed at Fort McClellan, Alabama, and for other purposes;

to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALZ of Minnesota (for himself and Mr. KING of New York):

H.R. 2053. A bill to amend title 38, United States Code, to improve the efficiency of processing certain claims for disability compensation by veterans; to the Committee on Veterans' Affairs.

By Mr. WHITFIELD:

H.R. 2054. A bill to provide for the re-enrichment of certain depleted uranium owned by the Department of Energy, and for the sale or barter of the resulting re-enriched uranium, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CROWLEY (for himself, Mr. KING of New York, Mr. BOUSTANY, Mr. BERMAN, Mr. MANZULLO, Mr. CAPUANO, Mr. PITTS, Mr. HOLT, Mr. ROHRBACHER, Mrs. MALONEY, Mr. McCOTTER, and Mr. ENGEL):

H.J. Res. 66. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; to the Committee on Ways and Means.

By Mr. FLORES:

H. Con. Res. 56. Concurrent resolution expressing the sense of Congress that Members of Congress, the President, and the Vice President should donate their salaries to the Treasury for reducing the national debt if members of the Armed Forces do not receive pay or allowances because of a shutdown of the Federal Government or because the Government is unable to fund such pay and allowances because the public debt limit has been reached; to the Committee on Oversight and Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MCCOLLUM:

H. Res. 280. A resolution amending the Rules of the House of Representatives to prevent any Member, Delegate, Resident Commissioner, officer, or employee of the House from benefitting financially from a vote to change the statutory limit on the public debt; to the Committee on Ethics.

By Ms. CHU (for herself, Mrs. BIGGERT, Mr. COFFMAN of Colorado, and Mr. ROHRBACHER):

H. Res. 282. A resolution expressing the regret of the House of Representatives for the passage of discriminatory laws against the Chinese in the United States, including the Chinese Exclusion Act; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Mr. CARSON of Indiana, Mr. ELLISON, Ms. CLARKE of New York, Mr. GUTIERREZ, Mr. GRIJALVA, Mr. MCDERMOTT, Ms. JACKSON LEE of Texas, Mr. JOHNSON of Georgia, Mr. HONDA, Ms. WOOLSEY, Ms. BALDWIN, Mr. TOWNS, Ms. CHU, Mr. SCOTT of Virginia, Mr. STARK, Mr. JACKSON of Illinois, Mr. RANGEL, Mr. MORAN, Ms. ZOE LOFGREN of California, Mr. POLIS, Mr. RUSH, Mr. AL GREEN of Texas, Mr. CUMMINGS, Mr. TONKO, and Mr. FILNER):

H. Res. 283. A resolution expressing the sense of the House of Representatives that the Federal Government should take steps to counter the growth in anti-Muslim sentiments, targeted rhetorical attacks, and violence against the Muslim, Arab, Sikh, and South Asian American communities; to the Committee on the Judiciary.

By Mr. GRIJALVA:

H. Res. 284. A resolution honoring wild horses and burros as important to our national heritage; to the Committee on Natural Resources.

By Mr. MARKEY (for himself and Mr. DOYLE):

H. Res. 285. A resolution expressing support for designation of June 2011 as "National Aphasia Awareness Month" and supporting efforts to increase awareness of aphasia; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 4 of rule XXII,

29. The SPEAKER presented a memorial of the House of Representatives of the State of Kansas, relative to House Resolution No. 6008 memorializing the Congress to impose a moratorium on promulgation of any new air quality regulation by the EPA; to the Committee on Energy and Commerce.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. SHULER:

H.R. 2000.
Congress has the power to enact this legislation pursuant to the following:

The Congress shall have power to establish a Rule of Naturalization, and uniform laws the subject of Bankruptcies throughout the United States.

By Mr. BILIRAKIS:

H.R. 2001.
Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 1 of the United States Constitution, which grants Congress the power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

By Mr. CHAFFETZ:

H.R. 2002.
Congress has the power to enact this legislation pursuant to the following:

This law is enacted pursuant to article 1, section 8, clauses 11–14 of the U.S. Constitution.

By Mr. DEFAZIO:

H.R. 2003.
Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 1.

By Mr. BERMAN:

H.R. 2004.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 2, Clause 3.

By Mr. SMITH of New Jersey:

H.R. 2005.
Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill is based is Congress's power under Article I, Section 8, Clause I of the Constitution.

By Mr. SMITH of New Jersey:

H.R. 2006.
Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill is based is Congress's power under Article I, Section 8, Clause I of the Constitution.

By Mr. SMITH of New Jersey:

H.R. 2007.
Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill is based is Congress's power under Article I, Section 8, Clause I of the Constitution.

By Mr. ISSA:

H.R. 2008.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18. "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers . . ."

By Mr. BILBRAY:

H.R. 2009.
Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

By Mr. PAULSEN:

H.R. 2010.
Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

By Mr. LAMBORN:

H.R. 2011.
Congress has the power to enact this legislation pursuant to the following:

Article IV, section 3

By Ms. BASS of California:

H.R. 2012.
Congress has the power to enact this legislation pursuant to the following:

Article I, §8, clause 1

By Mr. NUNES:

H.R. 2013.
Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clauses 1 and 18 grant Congress broad financial powers, including the power to tax and spend for the general welfare and to impose conditions on the receipt of federal monies by the states.

By Mr. CARTER:

H.R. 2014.
Congress has the power to enact this legislation pursuant to the following:

"Article(s) I, Section 8, Clause 1, Article I, Section 8, Clause 3 of the United States Constitution and the Sixteenth Amendment of the United States Constitution."

By Mr. FATTAH:

H.R. 2015.
Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution, which states the Congress shall have the power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mrs. MALONEY:

H.R. 2016.
Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18, which reads: The Congress shall have Power * * * To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. ADERHOLT:

H.R. 2017.
Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which

states: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law . . ." In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: "The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States. . . ." Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

By Mr. MICA:

H.R. 2018.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 3 (related to regulation of Commerce among the several States).

By Ms. RICHARDSON:

H.R. 2019.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. BURGESS:

H.R. 2020.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Congress' legislative powers under Article I, Section 8, of the Constitution. Under this provision, Congress has the authority to regulate "commerce among the several states" "To lay and collect Taxes, Duties, Imposts and Excises," and "To make Rules for the Government."

By Mr. GARDNER:

H.R. 2021.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3: "To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."

By Ms. BASS of California:

H.R. 2022.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. BURTON of Indiana:

H.R. 2023.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 9 and Article 1, Section 8, Clause 18

By Mr. BUTTERFIELD:

H.R. 2024.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 7 of the United States Constitution.

Mr. CARTER:

H.R. 2025.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8: To Provide for the common defence; To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions; To provide for organizing, arming, and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States.

By Mr. CICILLINE:

H.R. 2026.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. CICILLINE:

H.R. 2027.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. COHEN:

H.R. 2028.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 4 of the United States Constitution

By Ms. DELAURO:

H.R. 2029.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution and Article I, Section 8, Clause 1 of the United States Constitution.

By Ms. EDWARDS:

H.R. 2030.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section I.

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Mr. FINCHER:

H.R. 2031.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8 Clause I.

By Mr. FRANK of Massachusetts:

H.R. 2032.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the Constitution.

By Mr. GERLACH:

H.R. 2033.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 18 of Section 8 of Article I of the United States Constitution.

By Mr. GERLACH:

H.R. 2034.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18.

By Mr. GRIFFIN of Arkansas:

H.R. 2035.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Commerce Clause.

By Mr. GRIFFITH of Virginia:

H.R. 2036.

Congress has the power to enact this legislation pursuant to the following:

Article I, §8, clause 3 of the United States Constitution.

By Mr. GRIJALVA:

H.R. 2037.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 1 (relating to the power of Congress to provide for the general welfare of the United States) and Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. HIGGINS:

H.R. 2038.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 4, Clause 1 of the Constitution.

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but Congress may at any time make or alter such Regulations, except as to the Place of choosing Senators.

By Mr. ISRAEL:

H.R. 2039.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 of the Constitution of the United States.

By Mr. KING of Iowa:

H.R. 2040.

Congress has the power to enact this legislation pursuant to the following:

This Act erases the forced-dues clauses in the National Labor Relation Act (NLRA) and Railway Labor Act (RLA). It does not add a single letter to federal law. As such, this bill makes specific changes to existing law in a manner that returns power to the States and to the people, in accordance with Amendment X of the United States Constitution.

By Mr. KINGSTON:

H.R. 2041.

Congress has the power to enact this legislation pursuant to the following:

Clause 1, Section 8 of Article 1 of the United States Constitution which states: The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and General Welfare of the United States; but all Duties and Imposts and Excises shall be uniform throughout the United States."

By Mr. LARSEN of Washington:

H.R. 2042.

Congress has the power to enact this legislation pursuant to the following:

Under Article 1, Section 2 of the Constitution, "the House of Representatives shall be composed of Members chosen every second Year by the People of the several States." As described in Article 1, Section 1 "all legislative powers herein granted shall be vested in a Congress." I was elected in 2010 to serve in the 112th Congress as certified by the Secretary of State of Washington state.

Article III, Section 2 states that the Supreme Court has "the judicial power" that "shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States." Article II, Section 1 of the Constitution provides that the Supreme Court is the supreme law of the land when stating "The judicial power of the United States, shall be vested in one supreme Court."

The power of judicial review of the Supreme Court was upheld in Marbury v Madison in 1803, giving the Supreme Court the authority to strike down any law it deems unconstitutional. Members of Congress, having been elected and taken the oath of office, are given the authority to introduce legislation and only the Supreme Court, as established by the Constitution and precedent, can determine the Constitutionality of this authority.

By Mr. MEEKS:

H.R. 2043.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. PAUL:

H.R. 2044.

Congress has the power to enact this legislation pursuant to the following:

The Health Freedom Act is justified by the First Amendment to the United States Constitution, which, by protecting the people's right of free speech, clearly gives Congress the power to stop the executive branch from censoring speech related to the health benefits of foods and dietary supplements.

By Mr. PAUL:

H.R. 2045.

Congress has the power to enact this legislation pursuant to the following:

The Health Freedom Act is justified by the First Amendment to the United States Constitution, which, by protecting the people's right of free speech, clearly gives Congress the power to require federal agencies to bear

- H.R. 1565: Mr. THOMPSON of Pennsylvania.
 H.R. 1580: Mr. POSEY, Mr. SAM JOHNSON of Texas, Mrs. BLACK, Ms. JENKINS, and Mr. MATHESON.
 H.R. 1588: Mr. SMITH of Texas.
 H.R. 1596: Ms. ESHOO.
 H.R. 1616: Mr. PAYNE, Mr. BACA, Mr. SCHIFF, and Mr. SIREs.
 H.R. 1635: Mr. COBLE.
 H.R. 1642: Mr. FILNER.
 H.R. 1645: Ms. VELÁZQUEZ.
 H.R. 1648: Mr. QUIGLEY, Mr. REYES, and Mr. DICKs.
 H.R. 1681: Ms. ROS-LEHTINEN.
 H.R. 1683: Mr. COBLE.
 H.R. 1703: Mr. LIPINSKI and Mr. HOLDEN.
 H.R. 1704: Ms. BASS of California, Ms. MOORE, Mr. JACKSON of Illinois, Mr. MCNERNEY, and Mr. BERMAN.
 H.R. 1706: Mr. PETERS, Mr. SHULER, Mr. MICHAUD, and Mr. DREIER.
 H.R. 1716: Mr. CICILLINE.
 H.R. 1720: Ms. WOOLSEY.
 H.R. 1723: Mr. BROUN of Georgia.
 H.R. 1724: Ms. MCCOLLUM, Mr. ISRAEL, and Mr. DEFAZIO.
 H.R. 1738: Ms. BERKLEY.
 H.R. 1744: Mr. POE of Texas, Mr. ROSS of Florida, Mr. SCHOCK, Mr. REICHERT, Mr. GOHMERT, Mr. CULBERSON, Mrs. LUMMIS, Mr. LAMBORN, Mr. FRANKS of Arizona, Mr. LUETKEMEYER, and Mr. PAUL.
 H.R. 1747: Mr. DUFFY.
 H.R. 1753: Mr. NADLER.
 H.R. 1756: Mr. GRIMM, Mr. WEINER, and Mr. MICHAUD.
 H.R. 1758: Mr. GRIJALVA.
 H.R. 1802: Mr. LOBIONDO.
 H.R. 1803: Mr. WESTMORELAND.
 H.R. 1805: Mr. NADLER.
 H.R. 1815: Mrs. MALONEY, Mr. GEORGE MILLER of California, Mr. TIERNEY, Mr. SARBANES, Mr. KISSELL, Mr. YARMUTH, Mr. ENGEL, Mr. COBLE, Mr. RIVERA, Mr. MORAN, Mr. PENCE, Ms. VELÁZQUEZ, Mr. HINOJOSA, and Ms. PINGREE of Maine.
 H.R. 1819: Mr. GOSAR.
 H.R. 1832: Mr. JOHNSON of Ohio.
 H.R. 1839: Mr. WITTMAN, Mr. BACHUS, and Mr. COBLE.
 H.R. 1845: Mr. THOMPSON of Mississippi, Mr. LUJÁN, Mr. FITZPATRICK, and Mr. NEAL.
 H.R. 1852: Mr. TOWNS, Mrs. McMORRIS RODGERS, Mr. ENGEL, Mr. BISHOP of Utah, Mr. WITTMAN, Mr. MATHESON, and Mr. DINGELL.
 H.R. 1861: Mr. LATOURETTE.
 H.R. 1865: Mr. BUCSHON, Mrs. SCHMIDT, and Mr. RENACCI.
 H.R. 1872: Mr. JONES, Mr. BURTON of Indiana, Mr. BARTLETT, Mr. JOHNSON of Ohio, and Ms. HERRERA BEUTLER.
 H.R. 1873: Mr. WAXMAN and Mr. CLAY.
 H.R. 1880: Ms. FUDGE.
 H.R. 1901: Mr. GONZALEZ and Ms. WILSON of Florida.
 H.R. 1903: Ms. MOORE.
 H.R. 1904: Mr. TIPTON and Mr. MANZULLO.
 H.R. 1905: Mr. ANDREWS, Mr. BACA, Ms. BERKLEY, Mr. BISHOP of Georgia, Mr. BOREN, Mr. BRADY of Pennsylvania, Mr. BROOKS, Ms. BROWN of Florida, Mr. BUCHANAN, Mr. CANSECO, Mr. CARDOZA, Mr. CARNEY, Mr. CLARKE of Michigan, Mr. COBLE, Mr. COFFMAN of Colorado, Mr. CONNOLLY of Virginia, Mr. COSTA, Mr. COURTNEY, Mr. CROWLEY, Mr. CUELLAR, Mr. CUMMINGS, Mr. DOLD, Mrs. ELLMERS, Mr. ENGEL, Mr. GALLEGLY, Mr. GARRETT, Mr. GOODLATTE, Mr. GENE GREEN of Texas, Mr. HASTINGS of Florida, Mr. HECK, Mr. HOLDEN, Mr. HUELSKAMP, Mr. KEATING, Mr. KING of New York, Mr. KLINE, Mr. LAMBORN, Mr. LOBIONDO, Mrs. MALONEY, Mrs. MCCARTHY of New York, Mr. MCKINLEY, Mr. NADLER, Mr. NEAL, Mr. PALLONE, Mr. PAULSEN, Mr. PETERS, Mr. PLATTS, Mr. POLIS, Mr. REICHERT, Mrs. RICHARDSON, Mr. ROE of Tennessee, Mr. ROTHMAN of New Jersey, Ms. LINDA T. SÁNCHEZ of California, Mr. SCALISE, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCHOCK, Ms. SCHWARTZ, Mr. SCHWEIKERT, Mr. TOWNS, Mr. UPTON, Mr. WALBERG, Mr. WOLF, Mrs. MILLER of Michigan, Mr. HULTGREN, Mr. BARLETTA, Mr. LANCE, and Mrs. CAPITO.
 H.R. 1906: Mr. COBLE.
 H.R. 1908: Mr. BARTLETT and Mrs. ELLMERS.
 H.R. 1912: Mr. PETERS.
 H.R. 1938: Mrs. BLACKBURN, Mr. BURGESS, Mr. FLORES, Mr. KING of Iowa, Mr. LATTA, Mrs. ELLMERS, Mr. CHAFFETZ, Mr. BROUN of Georgia, Mr. BOREN, Mr. DANIEL E. LUNGREN of California, and Mr. SHIMKUS.
 H.R. 1941: Mr. LUJÁN, Mr. KILDEE, Ms. BROWN of Florida, Mr. VISLOSKEY, Ms. WASSERMAN SCHULTZ, Mr. HEINRICH, Mr. JACKSON of Illinois, Ms. BORDALLO, Mr. AL GREEN of Texas, Mr. MANZULLO, Mr. WESTMORELAND, Mr. SHULER, Ms. BERKLEY, Mr. MARKEY, and Mr. SMITH of Washington.
 H.R. 1953: Ms. MCCOLLUM.
 H.R. 1955: Mr. BOUSTANY, Mr. STARK, Mr. JACKSON of Illinois, and Mr. HONDA.
 H.R. 1966: Mr. PRICE of North Carolina and Ms. SCHAKOWSKY.
 H.R. 1980: Mr. JONES.
 H.R. 1996: Mr. WALDEN.
 H.R. 1997: Mr. KIND.
 H.J. Res. 56: Mr. GOODLATTE.
 H. Con. Res. 25: Mr. WITTMAN and Mr. CHAFFETZ.
 H. Res. 13: Mr. HARRIS and Mr. RUPPERSBERGER.
 H. Res. 16: Mr. RIGELL.
 H. Res. 47: Mr. CONYERS.
 H. Res. 111: Mr. ISRAEL.
 H. Res. 137: Mr. RUSH, Mr. SMITH of New Jersey, Mr. CICILLINE, Mr. SHULER, Mr. LUJÁN, Mr. WITTMAN, and Ms. JACKSON LEE of Texas.
 H. Res. 231: Mr. BURTON of Indiana, Mr. CALVERT, Mr. COBLE, Mr. SCHOCK, Mr. PERLMUTTER, Mr. WESTMORELAND, and Mr. ROSS of Florida.
 H. Res. 268: Mrs. ADAMS, Mr. ANDREWS, Mrs. BACHMANN, Mr. BACHUS, Mr. BISHOP of New York, Mr. BUCHANAN, Mr. CHAFFETZ, Mr. COBLE, Mr. COFFMAN of Colorado, Mr. CULBERSON, Mr. DENT, Mr. DIAZ-BALART, Mr. GALLEGLY, Mr. GARDNER, Mr. GIBBS, Ms. HERRERA BEUTLER, Mr. HOLDEN, Mr. HUELSKAMP, Ms. JENKINS, Mr. KINZINGER of Illinois, Mr. KISSELL, Mr. KLINE, Mr. LAMBORN, Mr. LANKFORD, Mr. LOBIONDO, Mr. MCKINLEY, Mr. PAULSEN, Mr. PENCE, Mr. PLATTS, Mr. POMPEO, Mr. ROE of Tennessee, Mr. BARTLETT, Mr. ROSKAM, Mr. ROTHMAN of New Jersey, Mr. SCALISE, Mr. SCHWEIKERT, Mr. TERRY, Mr. TIBERI, Mr. UPTON, Mr. WALBERG, Mr. WALDEN, Mr. WOLF, Mr. YOUNG of Indiana, Mr. BISHOP of Utah, Mr. GERLACH, Mr. ACKERMAN, Ms. BERKLEY, Mr. BISHOP of Georgia, Mr. BOREN, Mr. BRADY of Pennsylvania, Ms. BROWN of Florida, Mr. CARDOZA, Mr. CICILLINE, Mr. COSTA, Mr. CROWLEY, Mr. CUELLAR, Mr. ENGEL, Mr. GENE GREEN of Texas, Mr. HASTINGS of Florida, Mr. KEATING, Mr. LEVIN, Mrs. MCCARTHY of New York, Mr. NADLER, Mr. NEAL, Mr. PALLONE, Mr. PETERS, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SCHWARTZ, Ms. SEWELL, Mr. TOWNS, Mr. BONNER, Mr. RIGELL, Mr. SENSENBRENNER, Mr. NUNES, Mr. GOODLATTE, Mr. HIMES, Mr. REICHERT, Mr. SCHOCK, Mr. MCCOTTER, Mr. GARRETT, Mr. MEEHAN, Mr. HULTGREN, Mr. HURT, and Mr. SMITH of Texas.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY DAVE CAMP

The provisions that warranted a referral to the Committee on Ways and Means in H.R. 1194 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined clause 9 of rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1380: Mr. THOMPSON of Pennsylvania and Mr. GRIFFIN of Arkansas.

PETITIONS, ETC.

Under clause 3 of rule XII,

3. The SPEAKER presented a petition of the California State Lands Commission, relative to supporting the San Francisco Bay Restoration Act (Senate Bill 97); which was referred to the Committee on Transportation and Infrastructure.



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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Author of life, who puts into our hearts such deep desires that we cannot be at peace until we rest in You, mercifully guide our lawmakers on the path of Your choosing. May Your Holy word be for them a lamp and a light in these challenging times. Lord, keep them mindful of the importance of being men and women of integrity, striving to please You in all of their labors. Make them people of principle who share a strong vision of a godly nation with a promising future. May their humility match Your willingness to help them and their dependence on You liberate them from anxiety about what the future holds.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U. S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 26, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will resume consideration of the motion to concur in the House message to accompany S. 990, which is the legislative vehicle for the PATRIOT Act extension. The filing deadline for all second-degree amendments to the PATRIOT Act is at 9:40 this morning. At 10 a.m. there will be a rollcall vote on the motion to concur with respect to the PATRIOT Act.

We are confident additional rollcall votes in relation to amendments to the PATRIOT Act are possible and likely will occur during today's session.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

SMALL BUSINESS ADDITIONAL TEMPORARY EXTENSION ACT OF 2011

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to concur in the House message to accompany S. 990, which the clerk will report by title.

The assistant legislative clerk read as follows:

A motion to concur in the House amendment to the bill (S. 990) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes, with an amendment.

Pending:

Reid motion to concur in the amendment of the House to the bill, with Reid amendment No. 347, of a perfecting nature.

Reid amendment No. 348 (to amendment No. 347), to change the enactment date.

Reid motion to refer the message of the House on the bill to the Committee on Small Business and Entrepreneurship with instructions, Reid amendment No. 349, to change the enactment date.

Reid amendment No. 350 (to (the instructions) amendment No. 349), of a perfecting nature.

Reid amendment No. 351 (to amendment No. 350), of a perfecting nature.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10 a.m. will be equally divided and controlled between the two leaders or their designees.

Mr. REID. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I will proceed on my leader time.

As we all know, the war on terror did not end last month when American forces shot and killed Osama bin Laden in Abbottabad.

General Clapper, the Director of National Intelligence, wrote to me yesterday to explain that this is a moment of elevated threat to our country and that the intelligence community is

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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working to analyze the information gained at the Bin Laden compound. Al-Qaida and its associate groups remain a threat to the United States.

And our intelligence community, military and law enforcement professionals still need the tools that enable them to gather and share intelligence in this fight.

That is why all Americans should be reassured today in knowing that these dedicated men and women will continue to have those tools. I have no doubt that the 4-year PATRIOT Act extension that Members of both parties have agreed to will safeguard us from future attacks, and that everything we agreed to in this extension is necessary for this fight.

As FBI Director Bob Mueller has said, all the authorities it contains are critical. Every one requires the prior approval of an independent Federal judge. Nothing in this extension has ever been found to be unconstitutional. And most of these authorities have not even been challenged in court—ever.

The Senate Intelligence Committee has conducted aggressive oversight of the programs authorized by these expiring provisions. Over the past decade, we have seen how terrorists have proved themselves adaptable, how they have altered their tactics and methods to strike us at home. By extending this invaluable terror-fighting tool, we are staying ahead of them.

Now is not the time to surrender the tools authorized by this act, or to make them more difficult to use. It was absolutely imperative that we renew these authorities under the PATRIOT Act. They have enabled others to keep us safe for nearly a decade. Our law enforcement professionals have been able to use tools just like them in traditional criminal cases for years. We should be relieved and reassured to know they won't expire this week.

A LOOMING CRISIS

Mr. President, last June, the Chairman of the Joint Chiefs of Staff, ADM Mike Mullen, made an observation that may have surprised some people. A day after Democrats here in the Senate refused to allocate tens of billions of dollars in unemployment assistance unless the costs could be added to an already unsustainable debt—he said that, in his view, the biggest threat to our national security is our debt.

A few months earlier, the President himself identified the debt as a looming crisis. He pointed out that almost all of our long-term debt relates to the cost of Medicare and Medicaid. And he said, “if we don't get control of that, we can't get control over our budget.” He was right.

But the co-chair of the President's debt commission may have put it best just 6 weeks ago. Speaking about the consequences of the fiscal path we're on, Erskine Bowles said simply:

It's the most predictable crisis in history. The most predictable crisis in history—and that was a Democrat talking. And yet Democrats in the Senate don't even want to talk about it.

Yesterday, here in the Senate, Democrats rejected every single proposal we

have seen on our Nation's fiscal future. They took a pass. They have chosen to ignore this crisis just like they ignored the last one.

Three years ago, as the financial crisis approached, the senior Senator from New York was holding press conferences trying to link the war in Iraq to what passed for an economic slowdown at the time. The majority leader was postponing votes that we all knew would fail so Democrats who were running for President could be here to vote on them. Now, in the face of a looming crisis we all admit is coming—they are doing the same thing.

This crisis is staring us right in the face. The Democrats themselves—from the President on down—say they see it. Yet, once again, they are so focused on the next election they refuse to do anything to upset the status quo. They are more concerned about their own jobs than preventing a economic catastrophe that could affect everybody's job. They want to wait this out—while they hammer anybody who proposes a solution. They rejected their own President's budget. They rejected three Republican budgets. And they have not even bothered to offer a budget of their own. They're just marking time, treading water.

So I think Democrats have lost the right to express concern about this crisis. Until they propose some solution of their own, they are part of the problem.

The American people didn't send us here to hide in a corner until the next election. They sent us here to act on their behalf, and this is their message: If you see a crisis coming, you better do something about it.

Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time during the quorum call be charged equally to both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CLOTURE MOTION

By unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment to S. 990, with amendment No. 347.

Harry Reid, Jack Reed, Carl Levin, Jeanne Shaheen, Mark R. Warner, Richard Blumenthal, Kent Conrad, Kirsten E. Gillibrand, Dianne Feinstein, Bill Nelson, John D. Rockefeller IV, Joseph I. Lieberman, Barbara A. Mikulski, Charles E. Schumer, Debbie Stabenow, Thomas R. Carper, Mark L. Pryor.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that the debate on the motion to concur in the House amendment to S. 990 with amendment No. 347, offered by the Senator from Nevada, Mr. Reid, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from New York (Mr. SCHUMER) are necessarily absent.

I further announce that, if present and voting, the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New York (Mr. SCHUMER) would vote “yea.”

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. ROBERTS).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 79, nays 18, as follows:

[Rollcall Vote No. 81 Leg.]

YEAS—79

Akaka	Gillibrand	McConnell
Alexander	Graham	Menendez
Ayotte	Grassley	Mikulski
Barrasso	Hagan	Moran
Bennet	Harkin	Murray
Blunt	Hatch	Nelson (NE)
Boozman	Hoeben	Nelson (FL)
Boxer	Hutchison	Portman
Brown (MA)	Inhofe	Pryor
Burr	Inouye	Reed
Carper	Isakson	Reid
Casey	Johanns	Risch
Chambliss	Johnson (SD)	Rockefeller
Coats	Johnson (WI)	Rubio
Coburn	Kerry	Sessions
Cochran	Kirk	Shelby
Collins	Klobuchar	Snowe
Conrad	Kohl	Stabenow
Coons	Kyl	Thune
Corker	Landrieu	Toomey
Cornyn	Lautenberg	Toomey
Crapo	Levin	Vitter
DeMint	Lieberman	Warner
Durbin	Lugar	Webb
Enzi	Manchin	Whitehouse
Feinstein	McCain	Wicker
Franken	McCaskill	

NAYS—18

Baucus	Heller	Sanders
Begich	Leahy	Shaheen
Bingaman	Lee	Tester
Brown (OH)	Merkley	Udall (CO)
Cantwell	Murkowski	Udall (NM)
Cardin	Paul	Wyden

NOT VOTING—3

Blumenthal	Roberts	Schumer
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The ACTING PRESIDENT pro tempore. On this vote, the yeas are 79, the nays are 18. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Cloture having been invoked, the motion to refer the House message falls.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent that I be permitted to engage in a colloquy between Senators UDALL, FEINSTEIN, and MERKLEY.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I am going to talk for just a couple of minutes about the issue of secret law that Senator UDALL and I, as we are both members of the Intelligence Committee, have been working on for quite some time. Then I am going to yield to our friend, the distinguished chairwoman of the Intelligence Committee, Senator FEINSTEIN, for a colloquy.

What this issue is all about is this: I believe there are two PATRIOT Acts in America. The first is the text of the law itself, and the second is the government's secret interpretation of what they believe the law means.

As an example, several years ago Americans woke up to learn that the Bush administration had been secretly claiming for years that warrantless wiretapping was legal. This disclosure greatly undermined the public's trust in the Department of Justice and our national intelligence agencies, and it took Congress and the executive branch years to sort out the situation.

I believe the American people will also be extremely surprised when they learn how the PATRIOT Act is secretly being interpreted, and I believe one consequence will be an erosion of public confidence that makes it more difficult for our critically important national intelligence agencies to function effectively. As someone who served on the Intelligence Committee for 10 years, sitting right next to Senator FEINSTEIN, I don't want to see that happen.

Let me yield now to Senator UDALL. He will also have brief remarks, and any colleagues who want to speak, and then Senator FEINSTEIN will lead us in the discussion of how we will be moving forward. So I yield to Senator UDALL who has been an invaluable member on the Intelligence Committee. He and I have worked on this since the day he joined our committee, and I am so appreciative of his involvement.

Mr. UDALL of Colorado. Mr. President, I thank the Senator from Oregon for his kind words. I also wish to echo his remarks about the leadership of the chairwoman of the Intelligence Committee and her focus on keeping our country safe and our citizens protected.

I also wish to make the point that, as my colleague from Oregon, I also op-

pose reauthorization of the expiring provisions in the PATRIOT Act without significant reforms. I believe it is critical that the administration make public its interpretation of the PATRIOT Act so Members of Congress and the public are not kept in the dark.

Mrs. FEINSTEIN. Mr. President, I wish to thank both Senator WYDEN and Senator UDALL for their comments. We did have a meeting last night. We did discuss this thoroughly. The decision was that we would enter into this colloquy, so I will begin it, if I may.

These Senators and I, along with the junior Senator from Oregon, Mr. MERKLEY, the Senator from Colorado, Mr. MARK UDALL, and the Senator from Rhode Island, Mr. WHITEHOUSE met last night to discuss this amendment, the legal interpretation of the Foreign Intelligence Surveillance Act provisions and how these provisions are implemented.

I very much appreciate the strong views Senator WYDEN and Senator UDALL have in this area, and I believe they are raising a serious and important point as to how exactly these authorities are carried out. I believe we are also all in agreement that these are important counterterrorism authorities and have contributed to the security of our Nation.

Mr. WYDEN. Mr. President, I have enormous respect for my special friend from California, the distinguished chairwoman of the Intelligence Committee. I have literally sat next to her for more than a decade. We agree on virtually all of these issues, but this is an area where we have had a difference of opinion.

I have said I wouldn't support a long-term reauthorization of the PATRIOT Act without significant reforms, particularly in this area. I am especially troubled by the fact that the U.S. Government's official interpretation of the PATRIOT Act is secret, and I believe a significant gap has developed now between what the public thinks the law says and what the government secretly claims it says. That is why I and my colleagues from Oregon and Colorado and New Mexico have proposed an amendment that would make these legal interpretations public.

Mr. UDALL of Colorado. Mr. President, let me say once again, as does my colleague from Oregon, I oppose reauthorization of the existing provisions of the PATRIOT Act that we have been debating on the Senate floor without significant reforms. I also have to say I believe it is critical that the administration make public its interpretation of the PATRIOT Act so Members of Congress and our public are not kept in the dark. That is the important work we have in front of us, and we have a real opportunity to accomplish those goals.

Mrs. FEINSTEIN. Mr. President, if I may respond, I have agreed that these are important issues and that the Intelligence Committee, which is charged with carrying out oversight over the 16

various intelligence agencies of what is called the intelligence community, should be carried out forthrightly. I also believe the place to do it is in the Intelligence Committee itself. I have said to these distinguished Senators that it would be my intention to call together a hearing as soon as we come back from the Memorial Day break with the intelligence community agencies, the senior policymakers, and the Department of Justice to make sure the committee is comfortable with the FISA programs and to make changes if changes are needed. We will do that.

So it would be my intention to have these hearings completed before the committee considers the fiscal year 2012 intelligence authorization bill so that any amendments to FISA can be considered at that time.

The fact is, we do not usually have amendments to the intelligence authorization bill, but I believe the majority leader will do his best to secure a future commitment if such is needed for a vote on any amendment. I have not agreed to support any amendment because at this stage it is hypothetical, and we need to look very deeply into what these Senators have said and pointed out last night with specificity and get the response to it from the intelligence committee, have both sides hear it, and then make a decision that is based not only on civil liberties but also on the necessity to keep our country safe. I believe we can do that.

I am very appreciative of their agreement to enter this colloquy.

Mr. WYDEN. Mr. President, I thank the distinguished chairwoman of the Intelligence Committee for proposing this course of action for addressing the secret law issue. Obviously, colleagues would like more information on that, and they are going to be in a position to know that the Intelligence Committee is going to be examining it closely. I will just describe the next steps from there.

Senator UDALL and I have discussed this issue with Senator REID. Senator REID indicated to the chairwoman and myself and Senator UDALL that we would have an opportunity through these hearings—and, of course, any amendments to the bill would be discussed on the intelligence authorization legislation, which is a matter that obviously has to be classified—but if we were not satisfied, if we were not satisfied through that process, we would have the ability to offer an amendment such as our original one on the Senate floor.

Of course, the chairwoman would still retain full rights to oppose it, but we would make sure if this issue of secret law wasn't fixed and there wasn't an improved process to make more transparent and more open the interpretation of the law—not what are called sources and methods which are so important to protect our people—we would have an opportunity, if it wasn't corrected in the intelligence community, to come to the floor.

Senator REID has just indicated to all of us that he would focus on giving us a vote if we believed it was needed on another bill—not the intelligence authorization—before September 30. So there is a plan to actually get this fixed, and that is what is key.

At this time I yield to the Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, as we begin to end this important colloquy, I wish to acknowledge the leadership of Senator WYDEN on this important matter. I also wish to acknowledge the involvement of the Senator from New Mexico, who is presiding at this moment in time, and the Senator from Oregon, Mr. MERKLEY, and the Senator from Rhode Island, Mr. WHITEHOUSE, who has been very involved in bringing this case to the attention of all of us. I wish to also thank my good friend from California, the chairwoman of the committee. She has shown a great willingness to work with everybody and to listen.

I have to say I expect that once the committee examines this issue more closely, I think many more of our colleagues will want to join us in reforming the law in this area. I think this is important. I do think we can find the right balance between protecting civil liberties and protecting the health and welfare of the American citizens.

Mr. WYDEN. Mr. President, let me just make one last comment. I also wish to express my appreciation to Senator MERKLEY, who has been an extraordinarily outspoken advocate of our civil liberties and our privacy in striking a good balance between fighting terror and protecting the rights of our people, and I have so appreciated his leadership on this issue.

Let me sum up. First, I am very grateful to our chairwoman and pleased with this agreement. The chairwoman has indicated she believes those of us who want to reform secret law have raised a serious and important issue. Those are her words. We are grateful for that because we obviously believe very strongly about it. The chairwoman has said we will hold hearings promptly to examine the secret law issue, give serious consideration to looking at reforms in the fiscal year 2012 intelligence authorization bill, and then, per our conversations with the majority leader, if Senator UDALL and I believed it had not been corrected on the intelligence authorization bill, we would have the right to offer—and certainly the chairwoman could oppose it—an amendment on the floor of the Senate on an unrelated bill. Senator REID, to his great credit, in an effort to try to resolve this and move it along, said to the three of us that he would be working to do that.

Again, our thanks to the chairwoman and all of my colleagues on the floor, including Senator MERKLEY, who is not a member of the committee and knows an incredible amount about it and certainly showed that last night in our discussions and was very helpful. I wish to yield to him.

So with the cooperation the chairwoman has shown all of us who are trying to change this and the efforts of Senator REID to make sure if we didn't work it out we could come back to the floor again, I withdraw the Wyden-Udall amendment for the time being. It ought to be clear to everybody in the Senate that we are going to continue to prosecute the cause of making more open and accountable the way the government interprets this law in making sure that the American people have the confidence that the way it is being interpreted is in line with the text of the legislation.

I withdraw at this time the Wyden-Udall amendment, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I am deeply appreciative of the dialogue that has just taken place. It was William Pitt in England who commented that the wind and the rain can enter my house, but the King cannot.

It captured the spirit and understanding of the balance between personal privacy, personal freedoms, and issues of the Crown regarding maintenance of security. It was this foundation that came in for our fourth amendment of our Constitution that lays out clear standards for the protection of privacy and freedoms.

So as we have wrestled with the standard set out in the PATRIOT Act, a standard that says the government may have access to records that are relevant to an investigation—now, that term is, on its face, quite broad and expansive, quite a low standard, if you will. But what happens when it is interpreted out of the sight of this Chamber, out of the sight of the American people? That is the issue my colleague has raised, and it is a very important issue.

I applaud the chair of the Intelligence Committee for laying out a process whereby we all can wrestle with this issue in an appropriate venue and have a path for amendments in the committee or possibly here on the floor of the Senate because I do think it is our constitutional responsibility to make sure the fourth amendment of the Constitution is protected, the privacy and freedoms of citizens are protected.

I say thank you to the Senator from Colorado; my senior colleague, who has led this effort from Oregon; my colleague from New Mexico, who is the Acting President pro tempore; and the chairwoman from California.

Mrs. FEINSTEIN. Mr. President, I thank my colleagues very much. I believe this concludes our colloquy.

I thank the Acting President pro tempore, and we yield the floor.

Mr. CARDIN. Mr. President, I rise to explain why I voted against the motion to invoke cloture on S. 990, the legislative vehicle for S. 1038, the reauthorization of the USA PATRIOT ACT. I opposed cloture because I believe the Senate has an obligation to consider

substantive amendments to improve the PATRIOT Act.

We are all aware that at the end of this week three provisions of the PATRIOT Act will expire. The three provisions are business records, roving wiretaps, and “lone wolf” terrorists.

I understand there is a delicate balance we must strike here between preventing and disrupting future terrorist attacks in the United States and protecting our cherished constitutional rights and civil liberties. We must make sure that our law enforcement and intelligence professionals have the tools they need at their disposal to stop future terrorist attacks. At the same time, we must insure that our government uses our scarce resources wisely, and that it safeguards the very rights and liberties that are guaranteed by our Constitution to all Americans.

The current legislation before the Senate simply extends the existing PATRIOT Act authorities for 4 more years, until 2015, without any changes to the authorities given to the government or oversight of their use by Congress and the courts.

I think we can improve this legislation, as Congress seeks to strike the proper balance that I have mentioned. I have studied this issue closely as the former chairman of the Terrorism and Homeland Security Subcommittee of the Senate Judiciary Committee. The Judiciary Committee has held numerous hearings on the implementation of the new PATRIOT Act authorities. We have received testimony from government witnesses, including the inspector general of the Justice Department, on the improper use of some of the PATRIOT Act authorities, and recommendations to improve the PATRIOT Act.

Congress put these sunsets into this law for a reason. I have supported these sunsets for the PATRIOT Act and the FISA Amendments Act. A sunset means that a law will not just continue on autopilot without any changes. Congress uses sunsets when giving extraordinary authorities to the executive branch so that we have a check and balance on the use of this power by the government. The separation of powers also gives the courts a large role in reviewing and approving certain government investigatory and surveillance activity under the PATRIOT Act.

A sunset means that the executive branch has to come back to Congress and ask for an extension of authority. Congress then has a responsibility to look at how the law has been carried out, and make any needed improvements in the law, before again extending the authorities in the law.

Without any action by Congress, a sunset leads to the expiration of the law in question, as the authorities in the law will lapse. As a result, when sunsets are involved I have found the executive branch is more forthcoming with Congress in terms of sharing information and providing classified

briefings to Congress on how they use the authorities in question.

That is why I voted to oppose cloture. The Senate should have the ability to consider substantive amendments to the PATRIOT Act, and not simply extend the authorities as is, with no changes, for another 4 years.

And the Senate already has a package of reforms ready for consideration, after careful deliberation in committee. Earlier this week, I was pleased to cosponsor an amendment offered by the distinguished chairman of the Judiciary Committee, the Senator from Vermont, Mr. LEAHY. In the 111th Congress, I was also pleased to cosponsor similar legislation offered by Chairman LEAHY. The Senate Judiciary Committee favorably reported this legislation to the full Senate in March 2011, as S. 193, the USA PATRIOT Act Sunset Extension Act of 2011.

Broadly speaking, the Leahy amendment would increase judicial and congressional review of surveillance authorities that sweep in U.S. citizens, and would expand oversight and public reporting to ensure that Americans can monitor the use of these authorities.

The Leahy amendment requires the government to meet a higher burden of proof when seeking business records from Americans, under the so-called section 215 orders. The amendment would require the government to show that the documents sought are relevant to an authorized investigation and are linked to a foreign group or foreign power. Current law merely requires the government to show the records are relevant to an authorized investigation. Under the amendment, the government must meet an even higher burden of proof to obtain bookseller or library records.

The Leahy amendment also makes it easier for Americans to challenge the government when business records are sought. The amendment strikes the 1-year waiting period before a recipient can challenge a nondisclosure order for section 215 orders, and also strikes the conclusive presumption in favor of the government on nondisclosure of such an order.

For the first time, this Leahy amendment would also write into law a sunset provision and greater oversight of the use of national security letters, NSLs, by the government. This would therefore add a fourth sunset to the PATRIOT Act. This provision would shift the burden to the government to seek a court order for an NSL nondisclosure order, and allows the recipient of such an order to challenge it at any time.

Under the Leahy amendment, Congress will require a new series of audits to ensure protection of privacy and vigorous oversight of the new authorities given to the government. The Justice Department inspector general would conduct audits of the use of three surveillance tools: orders for tangible things; pen registers and trap and trace devices; and NSLs. The scope of such

audits includes a comprehensive analysis of the effectiveness and use of the investigative authorities provided to the government, including any improper or illegal use of such authorities.

Finally, the Leahy amendment requires enhanced court review and oversight of minimization procedures, which are designed to protect the privacy of innocent and law-abiding Americans. The amendment requires increased public reporting on the use of NSL's and FISA authorities by the government, including an annual unclassified report on how FISA authorities are used and their impact on the privacy of United States persons.

We now approach the 10th anniversary of the 9/11 terrorist attacks on this Nation. The United States recently conducted a military and intelligence operation which led to the killing of the al-Qaida mastermind of the attacks, Osama bin Laden. America still faces threats to its security every day, and I thank our brave men and women in the United States military and our intelligence community for working tirelessly to keep America safe.

In my view, the Leahy amendment strikes the proper balance of giving our law enforcement and intelligence professionals the tools they need to prevent and disrupt future terrorist attacks, while simultaneously protect our civil liberties. The amendment includes important new protection for law-abiding Americans, and requires more vigorous oversight by Congress and the courts as the government uses these new powers.

Although I hope that the Leahy amendment will still be made in order, it is important that we do not allow the PATRIOT Act authorities to expire. It is important for our law enforcement and intelligence agencies to have these tools at their disposal as they seek to prevent and disrupt future terrorist attacks in the United States.

Mr. RUBIO. Mr. President, the PATRIOT Act has been an indispensable, life-saving tool for the law enforcement and intelligence communities that work tirelessly to protect our Nation from terrorist attacks. In these dangerous times, the PATRIOT Act should give a little more peace of mind to millions of Americans and give those seeking to do us harm good reason to rethink their diabolical plans.

Earlier this year, I voted to extend the PATRIOT Act. Today, I reaffirm my support for reauthorizing key PATRIOT Act provisions for an additional 4 years.

Our Nation's security has and will always be a top priority for me. As a member of the Senate's Select Committee on Intelligence, I am aware of the constant threat our Nation faces from terrorists and individuals who hate us and want to impose their radical view of the world at all costs. Any changes or limits on the PATRIOT Act would only give these extremists an opening to strike us.

While some may disagree on this issue, I simply cannot allow those tasked with protecting our people from being deprived of these vital, lawful means to help prevent an attack.

Mr. LEAHY. Mr. President, I am disappointed that we have not been able to work out an agreement that will allow consideration of my amendment to the pending USA PATRIOT Act sunset extension legislation. I think that a bipartisan majority of the Senate would have supported our improvements. We have missed an opportunity to move forward to help keep our Nation secure while also strengthening our commitment to our core constitutional principles of individual liberty and privacy.

The amendment I sought to offer represented a commonsense and reasonable package of reforms that would have improved the law, expanded civil liberties and privacy protections, and better ensured proper oversight and accountability. This amendment earned the cosponsorship of Senator PAUL and a dozen others since we began debate on Monday, including Senators CARDIN, BINGAMAN, COONS, SHAHEEN, WYDEN, FRANKEN, GILLIBRAND, HARKIN, DURBIN, MERKLEY, BOXER, and AKAKA. I thank these Senators for recognizing that the Senate should do better than merely extend the expiring provisions of the USA PATRIOT Act for another 4 to 6 years without a single improvement or reform.

Over the past 2 years, the Senate Judiciary Committee has diligently considered how to make improvements to current law. The language in our amendment was the product of more than a year and a half of extensive negotiations with Republicans and Democrats, the intelligence community, and the Department of Justice. The committee reported a bipartisan bill last Congress and another similar bill in the current Congress. The bipartisan amendment that we sought to bring to the Senate preserved the ability of the government to use the PATRIOT Act surveillance tools, while promoting transparency, accountability, and oversight. It was not everything that everyone wanted but it was a commonsense package of improvements that should have been adopted.

The Attorney General and others have repeatedly assured us that the measures to enhance oversight and accountability, such as audits and public reporting, would not sacrifice "the operational effectiveness and flexibility needed to protect our citizens from terrorism" or undermine "the collection of vital foreign intelligence and counterintelligence information." In fact, the Attorney General has consistently said that the Senate Judiciary Committee-passed bill struck "a good balance" by extending PATRIOT Act authorities while adding accountability and civil liberties protections.

One of the improvements we need to make is to repair a constitutional infirmity in the current law. The so-

called *Doe v. Mukasey* fix is needed to address a first amendment problem with the national security letter statutes, and should not have been controversial in any way. Similarly, no one can seriously contend that periodic audits by an inspector general of past operations presented any operational concerns to law enforcement or intelligence gathering. These are vital oversight tools that everyone should have supported.

As it stands now, the extension of the PATRIOT Act provisions does not include a single improvement or reform, and includes not even a word that recognizes the importance of protecting the civil liberties and constitutional privacy rights of Americans. We could have provided the necessary tools to law enforcement and the intelligence community, but could have done so while faithfully performing our duty to protect the constitutional principles and civil liberties upon which all American rely.

Today's Washington Post included an editorial that urged the Senate to extend the PATRIOT Act authorities but also to include "additional protections meant to ensure that these robust tools are used appropriately." The editorial observed that the bill "would be that much stronger" if it included the oversight and auditing requirements included in our amendment. That is why Senator PAUL and a dozen other Senators had sponsored the amendment. That is why Senator LEE voted for them this year in the Judiciary Committee. And I would note that Senator KYL and Senator CORNYN supported them in the last Congress.

I ask unanimous consent to have printed in the RECORD a copy of today's editorial from the Washington Post entitled, "A Chance to Put Protections in the PATRIOT Act."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 25, 2011]

A CHANCE TO PUT PROTECTIONS IN THE PATRIOT ACT

(By the Editorial Board)

Congress appears poised to renew important counterterrorism provisions before they are to expire at the end of the week. That much is welcome. But it is disappointing that lawmakers may extend the Patriot Act measures without additional protections meant to ensure that these robust tools are used appropriately.

The Patriot Act's lone-wolf provision allows law enforcement agents to seek court approval to surveil a non-U.S. citizen believed to be involved in terrorism but who may not have been identified as a member of a foreign group. A second measure allows the government to use roving wiretaps to keep tabs on a suspected foreign agent even if he repeatedly switches cellphone numbers or communication devices, relieving officers of the obligation of going back for court approval every time the suspect changes his means of communication. A third permits the government to obtain a court order to seize "any tangible item" deemed relevant to a national security investigation. All three are scheduled to sunset by midnight Thursday.

House and Senate leaders have struck a preliminary agreement for an extension to June 2015 and may vote on the matter as early as Thursday morning. This agreement was not easy to come by. Several Republican senators originally wanted permanent extensions—a proposition rebuffed by most Democrats and civil liberties groups. In the House, conservative Tea Party members, who worried about handing the federal government too much power, earlier this year bucked a move that would have kept the provisions alive until December. Congressional leaders were forced to piece together short-term approvals to keep the tools from lapsing.

The compromise four-year extension is important because it gives law enforcement agencies certainty about the tools' availability. But the bill would be that much stronger if oversight and auditing requirements originally included in the version from Sen. Patrick J. Leahy (D-Vt.) were permitted to remain. Mr. Leahy's proposal, which won bipartisan approval in the Senate Judiciary Committee, required the attorney general and the Justice Department inspector general to provide periodic reports to congressional overseers to ensure that the tools are being used responsibly. Mr. Leahy has crafted an amendment that includes these protections, but it is unlikely that the Senate leadership will allow its consideration.

At this late hour, it is most important to ensure that the provisions do not lapse, which could happen as a result of a dispute between Senate Majority Leader Harry M. Reid (D-Nev.) and Sen. Rand Paul (R-Ky.) over procedural issues. If time runs out for consideration of the Leahy amendment, Mr. Leahy should offer a stand-alone bill later to make the reporting requirements the law.

The ACTING PRESIDENT pro tempore. The Senator from Oregon is recognized.

SMALL BUSINESS ADDITIONAL TEMPORARY EXTENSION ACT OF 2011

Mr. WYDEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1082, introduced earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1082) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. WYDEN. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and any statements relating to the matter be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (S. 1082) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1082

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Additional Temporary Extension Act of 2011".

SEC. 2. ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958.

(a) IN GENERAL.—Section 1 of the Act entitled "An Act to extend temporarily certain authorities of the Small Business Administration", approved October 10, 2006 (Public Law 109-316; 120 Stat. 1742), as most recently amended by section 1 of Public Law 112-1 (125 Stat. 3), is amended—

(1) by striking "Any" and inserting "Except as provided in section 3 of the Small Business Additional Temporary Extension Act of 2011, any"; and

(2) by striking "May 31, 2011" each place it appears and inserting "July 31, 2011".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on May 30, 2011.

SEC. 3. EXTENSION OF SBIR AND STTR TERMINATION DATES.

(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended—

(1) by striking "TERMINATION.—" and all that follows through "the authorization" and inserting "TERMINATION.—The authorization";

(2) by striking "2008" and inserting "2011"; and

(3) by striking paragraph (2).

(b) STTR.—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended—

(1) by striking "IN GENERAL.—" and all that follows through "with respect" and inserting "IN GENERAL.—With respect";

(2) by striking "2009" and inserting "2011"; and

(3) by striking clause (ii).

(c) COMMERCIALIZATION PILOT PROGRAM.—Section 9(y)(6) of the Small Business Act (15 U.S.C. 638(y)(6)) is amended by striking "2010" and inserting "2011".

SEC. 4. COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by inserting after subsection (r) the following:

"(s) COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.—All funds awarded, appropriated, or otherwise made available in accordance with subsection (f) or (n) must be awarded pursuant to competitive and merit-based selection procedures."

SMALL BUSINESS ADDITIONAL TEMPORARY EXTENSION ACT OF 2011—Continued

Mr. WYDEN. Mr. President, I ask unanimous consent that Senator SESSIONS be recognized to speak for up to 20 minutes for debate only.

The PRESIDING OFFICER (Mr. BROWN of Ohio). Without objection, it is so ordered.

The Senator from Alabama.

THE BUDGET

Mr. SESSIONS. Mr. President, we had an unfortunate series of votes last night, in my opinion, because it was all arranged by our leadership in the Senate to have a series of votes to do nothing. That is unfortunate because the United States of America, and the Senate are proceeding with an idea that they do not have to have a budget. In fact, the majority leader, Senator

REID, said it would be foolish to pass a budget. And as one of the staffers said, on background: Well, if we pass a budget, we will have to tell people how much we are going to raise their taxes and talk about spending reductions, and that will not be popular.

What did they do? One of the most incredible things I have ever seen in the Senate. Did they express regret that they could not pass a budget, that they would not state for the American people a vision for spending and the financial future of America? No. What did they do? They have the majority in the Senate. They called up the budget passed by the House of Representatives, which is a really historic budget, an honest budget that deals fairly and objectively with the challenges we are facing, reduces spending, actually was able to reduce some taxes, and proposed, a decade out, that the Congress confront Medicare because it is going broke. So what did they do? They called up that budget. Did they call it up to amend it? Did they call it up to offer us a chance to debate it and offer amendments and fix anything anybody did not like about it? No. That was not what was done. They brought it up only with the most limited debate before all four votes. They stacked all four votes on four different budgets and projections and just voted them down. They voted down every budget that was offered.

I have on my desk in my office the President's budget. It is four volumes, hundreds of pages, and it lays out a budget. Every President submits budgets. They have a 500-person Office of Management and Budget staff. Every year, they produce a budget. The law requires them to produce a budget. This is the Code, the United States Code Annotated, and in this is the law that says a President should submit a budget and the date by which he should do it. It says the U.S. Senate should commence markup in the Budget Committee by April 1 and the Congress should pass a budget by April 15. Last I heard, April 15 is long since passed.

How do you get a budget out of committee and to the floor of the Senate? What are we supposed to do by April 1? The chairman is supposed to call a markup, and he is supposed to bring up the budget he proposes, offer it to the Budget Committee. It is open for amendment, change, and debate, then it is voted on. A budget should then come out of the committee to the floor of the Senate. It has expedited procedures, but you are allowed to offer amendments, and there is 50 hours of debate—not too much. It does not require the normal 60 votes we have to have for legislation here; it only requires a majority, 50 votes.

That is basically designed, frankly—when the people wrote the Budget Act back in the 1970s—to allow the majority party to be able to pass a budget because there were too many filibusters of budgets and no budgets were getting passed. If you have the major-

ity in the Senate, at least you should be able to produce a budget. So it provides the Democratic majority—the 53 Democratic Senators they have—the opportunity to produce a budget on a partisan basis if it cannot be done on a bipartisan basis. So the normal process is, you work with your colleagues on the other side of the aisle, and if you think a good agreement can be made in a bipartisan fashion, you do so and move a bipartisan budget.

I remember last year when Senator Gregg, our Republican ranking member, talked about his conversation with Senator CONRAD, and he said: He is not letting me see the budget. It is going to be produced the next morning. What that means is, he is going to produce a partisan budget. He does not want our opinion. He is not going to show us what is in his budget until the day of the mark-up.

So this year, we wrote—all the Republican members; I am the ranking member now—we asked the Budget chairman to show us his mark 72 hours before the mark-up because he had not consulted with us and it appeared he was going to produce a partisan budget. Actually, he told me the date the hearing would commence to mark up his budget, but he did decline to give us any advance notice or opportunity to see what was in it.

All I am saying is that the procedure is set up realistically under the Budget Act to allow the majority party to meet its responsibility to pass a budget. They do not need a single Republican vote to pass a budget. I think it is better if you can get a bipartisan agreement. Oftentimes in the past, there have been. But since budgets represent visions for America, oftentimes in recent years they have gone on pretty much a party line but not 100 percent. That is what I would say.

So the President submitted his budget, and it was roundly criticized around the country, and I was a very severe critic of it. So we offered that budget last night. That was one of the four budgets that was offered. We brought it up. It is the only Democratic budget to be produced. I believe the Progressive Caucus produced one in the House, but, of course, it did not pass. It had a lot of tax increases, a lot of spending increases in it. It had no chance whatsoever of being passed. The American people sent us a message last year that they want us to get spending under control. They want us to reduce the size and scope of government. That is what they asked us to do.

So the President's budget came up last night, and, 97 to 0, every Democrat voted against the President's budget. Well, they should because it was unacceptable. I have referred to it as the most irresponsible budget in the history of our country because we are in a deeper financial hole than we have ever been. That is just a fact, and it is not a short-term, little problem; it is a problem that is getting worse in the years to come.

So the American people have come to the conclusion that we need to change the trajectory of debt that we are piling on year after year, month after month, day after day, by the billions—trillions, really.

The President's budget, as scored by the Congressional Budget Office, would produce uncontrolled debt year after year after year, in amounts never before contemplated in our country, making the debt trajectory of our current baseline spending worse, not better.

I was under the impression everybody understood we had to change and get better. I thought, when we came in with this Congress, the debate would be over how much to change in the right direction, how much could we do to reduce the deficits, put us on the right path. Not the President's budget, which made things worse.

According to the Congressional Budget Office, which analyzed his budget and scored it, as we say, the lowest single deficit that budget would produce is \$748 billion, the lowest deficit to be produced under his 10-year budget. President Bush was criticized for spending. The highest budget deficit he had was \$450 billion. That was the highest President Bush had, and he was criticized for that by many of my Democratic colleagues quite vociferously.

President Obama is now heading to his third trillion dollar budget deficit. This year, it is going to be \$1.5 trillion, it looks like three times the size of President Bush's highest deficit. As I said, the lowest deficit they are projecting is \$748 billion, and then it starts going back up again. In his 10th year, according to the Congressional Budget Office, the deficit will be \$1.2 trillion.

It is an indefensible, irresponsible budget. I am stunned that it was presented here. It has been widely criticized, as well it should be. So it was voted down last night.

If you are going to vote down something, should you not offer something in its place? That is what the fiscal commission that President Obama appointed said. That was their rule. That is what they promoted publicly: If you oppose a budget, you should offer your own. And, in fact, after Congressman RYAN, who served on the fiscal commission with Mr. Bowles and Senator Simpson, the cochairmen, he produced a budget. They gave him great credit. They said it was honest and courageous, and it faced the challenges of America, and it deserved respect, and then said: Anybody who does not agree with that should show what they would do.

So yesterday afternoon, we had the spectacle of Democratic Senators hammering and complaining about the Ryan budget, which in my opinion is the most historic and responsible budget to be produced in decades. No, it is not perfect. It is perfectly acceptable to believe that it ought to be amended.

But it was a historic, honest attempt at dealing with the fiscal challenges we face, and would put us on a financial path to solvency and stability and eliminate the risk we are facing. We probably should do more to reduce spending than he proposed. But it was courageous and bold and honest and without gimmicks. I thought a very impressive document. I looked forward to debating parts of it in our Budget Committee.

So what did we have last night? Yesterday? They just brought it up and every Democratic Member voted it down. And why? Because he had the gumption to actually suggest that for people 55 and younger, we should begin to create a Medicare system that would be solvent and effective and save Medicare, because the trustees have reduced the year again at which it goes insolvent. Senator REID and Senator SCHUMER had cleverly thought up this theory and were explicit about it. Their theory was they would not bring up their own budget. They would not tell the American people how much they wanted to increase their taxes. They would not tell the American people they were going to cut anything, because they might make someone unhappy and be unpopular. They would just call up the Ryan budget and attack Republicans as wanting to kill Medicare, and produce nothing in response. They do not have any plan to fix the situation we are in.

I am disappointed about that. It is unthinkable that we would be recessing and going home for a week without commencing markup hearings in the Budget Committee to produce a budget that we are required by law to produce. It is unthinkable we would do that.

I will be presenting to the majority leader a letter today from Senators on our side of the aisle—large numbers of Senators have signed it, saying, we do not need to go home until we have confronted this problem, and you have shown us how we are going to move forward to meet our statutory responsibility to pass a budget.

I think that is reasonable. That is what we are going to be asking today. I am not going to vote to go home without having met our duty. We call up our young men and women in uniform. We say: You will go to Iraq for a year. They say: Well, I would rather not go. It is in your contract. You signed up. You have to go. It is your duty. And they say, yes, sir, and they go.

Many of them have lost lives and limbs and we ought to remember them this Memorial Day. But do not we have a duty here? I think we do. I think we have a duty to the United States of America to produce a budget, whether or not it is law. But it is law in the United States Code. That is our duty. We do not need to be going home until we fulfill it, and we have a plan to go forward with it. I want to say this is not a little bitty matter with me. We are not going to have four votes—as we

did yesterday—and then the majority leader is going to say, see, it is foolish to produce a budget. I told you we could not produce a budget. We are not going to fool with having a budget this year.

It has been 757 days since the Senate has had a budget, because the majority leader did not bring up a budget last year either. Does anybody have any wonder about why we are going to have a \$1.5 trillion deficit this year, why 40 cents of every dollar we spend is borrowed? We spend \$3.7 trillion and we take in only \$2.2 trillion.

Experts and financial wizards all over the world are telling us, what are you doing in the United States? You are about to threaten the world's most prominent economy. It could have worldwide ramifications. Our debt to GDP compares with Portugal and Spain, almost as high as Greece. It will be 100 percent by September 30 of this year.

And we are going away without a budget again. The people who have asked to be given a leadership responsibility in the Congress cannot even comply with the Budget Act. They refuse to stand before the American people and say what they want to tax, what they want to spend, what they want to cut—because it would not be popular. It would be foolish.

I do not think so. It is not acceptable. You asked to be the leader of this Congress. You asked to be the President of the United States. You have a responsibility to submit a responsible budget, an honest budget, a fact-based budget, a budget the American people have an opportunity to understand, to read and study before we vote. And if the American people find we have cast a bad vote, they can cast a good vote to throw some people out of Congress.

They threw some people out last fall. It does not look like we have gotten the message—Business as usual. We are in denial. We do not have to change. Oh, no, you cannot cut this spending program. What do you mean you cannot cut spending programs? Give me a break. The Alabama Governor, Dr. Bentley, had to announce a 15-percent reduction in discretionary spending. Why? He did not have the money. Is that something we have forgotten in Washington—when you do not have money, you should not spend it?

Well, you say, it is all because of this economy, or something else. Look, under President Obama, nondefense discretionary spending in 2 years went up 24 percent. We are going broke. We are increasing spending on all the government programs. On an average, in the last 2 years that is 12 percent a year. You know, the value of your money will double in 10 years if your interest is 7 percent. At 12 percent, I guess the size of government would increase and double in 6 years.

Great scott. No wonder people are upset with us. We have been spending incredibly recklessly. Also the 12 percent I mentioned—24 percent in 2

years—that does not include the stimulus package, the almost \$900 billion stimulus package that was thrown out the door with almost no oversight. It was just designed to spend. And do you remember, it was supposed to stimulate the economy.

We probably have had the slowest ever rebound from a recession. It has been a very shaky recovery. They will say, well, we should have spent more. But Rogoff and Reinhart, the professors, tell us, when your debt gets as high as that of the United States, then you begin to show a decline in growth. One percent of GDP growth is reduced when your debt reaches 90 percent of GDP. We reached that this year, and we will go over 100 percent by September 30.

This is the budget that the President has submitted to us. He has a large staff over there. They maintain it. A large number of them have been there for many years. The President submitted to us a budget. It was rejected yesterday 97 to 0. It confirms the fact that we do not have a legitimate budget before us. The President's budget has been rejected utterly. The Democrats have refused to produce one.

They say: Why don't you have a mark-up and offer your budget? I cannot call a mark-up. The chairman calls the mark-up. The majority leaders confer and tell the chairmen when to call a mark-up. They decided not to call a budget mark-up. We do not have an opportunity to go to the Budget Committee and pass a budget.

We had such tremendous interest, and a lot of the new people who got elected to the Senate last fall wanted to be on the Budget Committee. They traveled their States. They had heard from their people all over their States that they wanted us to control spending. They wanted to be on the committee. It was the committee which had more interest and more people pushing to be on it than any other committee. We finally selected a fabulous group of people to serve on the committee. And now we do not meet. Now we are not even going to mark up a budget. What a disappointment for those new Members coming here with vim and vigor and ready to do something about the future of the Republic.

You know, one of the things that was interesting about the President's budget is how much praise it got from our Democratic colleagues who voted it down last night when it came out. This is what Senator SCHUMER said about it: "This is a responsible proposal. I believe this approach should have bipartisan support." Senator BILL NELSON: "I personally think the President's budget is a step in the right direction." Senator MAX BAUCUS: "The President's budget strengthens our economy." Senator BEN CARDIN: "President Obama has given us a credible blueprint." Senator TOM CARPER: "The President's budget is an important step forward." Senator FRANK LAUTENBERG: "President Obama's budget presents a careful evaluation of what our Nation needs."

They all voted no last night. You know, with friends like that, you do not need enemies, as they like to say. But what about Mr. Erskine Bowles, the man President Obama chose to serve as chairman of the debt commission? Mr. Bowles talked about the budget. He was rather stunned actually when it came out. It came out I think on Friday. On Sunday, Mr. Bowles said: "It comes nowhere close to where they will have to go to avoid a fiscal nightmare."

Can you imagine? This is the man President Obama chose to head the deficit commission, and he hammered this budget.

He said it is nowhere close, and it is nowhere close to doing what we have to do. So I believe what we went through yesterday was a sham, a mockery, a joke, and had no meaning. It was nothing but politics, nothing but an avoidance of responsibility to help provide leadership.

We all know some serious choices have to be made, and I will close with these thoughts. We are going to need a partnership in the Senate between our parties. There are going to be some tough choices which have to be made. In my view, we simply cannot continue at our rate of spending. It has to be reduced. But we have people in denial, who don't think it has to be reduced. But when your lowest deficit in 10 years is projected to be \$740 billion, and this year's will be the highest in the history of the Republic, \$1.5 trillion or more—how do we get there?

We are going to have to make some choices. I have saluted the Gang of Six, who have tried. Apparently, they have fallen on hard times and the prospects aren't good for that. Now the Vice President is meeting. There is some excuse, they say, that we don't have to do our business openly and before the public and stand and be accounted for because that would not work. People are afraid to make tough choices and decisions in public.

I believe the American people are not happy with us. I know they are not happy with us. Seventy percent of them believe this country is on the wrong track, and the biggest part of that, surely, is our fiscal management. They know this debt cannot be sustained. So we need to do something. The best way to do it is to follow the regular order, follow the legally constituted method of budget processing. Let's have a Budget Committee meeting, and if the Gang of Six has ideas, let's have them brought up in the Budget Committee and vote on them. If Vice President BIDEN wants to send something over, I am glad to hear it. If the President wants to send his people over to defend this budget that has been rejected 97 to zero, let them do it.

I will tell you what he and his Budget Director, Mr. Lew, said—can you believe it? They said this budget will allow us to live within our means and not spend money we don't have. That is the way they promoted this budget. It

was rejected last night. If it caused us to live within our means and allowed us to pay down our debt then I would vote for it. It did not come close to that. Yet the President talked about it all over the country, and his staff ran around saying this budget will allow us to live within our means. That is totally inaccurate, and that is irresponsible. What the President should have done, and what our Democratic leaders have to help us with, is go to the American people and, with clarity, without equivocation, say we cannot continue. We must tell them big changes have to be made, and we are so sorry this country has gotten in the shape we are in. We must say that we are going to make some changes, and we urge you to help us stick together and do it. We must do this to put the country on the right path.

But what do we have? We have Congressman RYAN, in the Republican House, who had the temerity, the courage, the discipline, and the sense of duty sufficient to pass a budget that would actually do what needs to be done. They called it up and attacked it with everything they had, but they will not produce anything of their own.

It cannot be denied that this is a failure of leadership. I believe the process and path we are on now is dangerous; it is not public, it is secret. They tried to produce a secret plan on comprehensive reform of immigration. The American people heard about it, and down it went. They tried to negotiate in secret this health care reform bill. They were able to hold their votes on a straight party-line vote—60 to 40—but the American people were not happy with the process or results and a lot of people who participated in that spectacle didn't come back after this last election.

That is not the path we are hearing from our constituents. Our constituents are saying: You work for us. We want to see you publicly stand and defend the values we believe in. If you don't do so, we are going to hold you accountable. I think that is democracy in America, and that is healthy. I don't think there is anything wrong with it. I respect the American people who are watching Congress and demanding that we change the trajectory we are on.

I believe strongly that we need to do better. I believe strongly that this Congress should have in play and commit before we recess—or not recess—a plan to deal with the financial crisis our Nation faces. When we do that, we can feel like we are fulfilling our duty both in law and morally to the people who have given us the honor of serving in this body.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KIRK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESIGNATION OF DOMINIQUE STRAUSS-KAHN

Mr. KIRK. Mr. President, last week, I spoke on the floor regarding the resignation of Dominique Strauss-Kahn, who is managing director of the International Monetary Fund, due to the serious criminal charges he is now facing in New York.

Mr. Strauss-Kahn has since resigned, but it appears he will now receive at least a \$250,000 taxpayer-funded severance pay package from the IMF and may be eligible for further undisclosed amounts in annual IMF retirement benefits.

Since the United States is the largest contributor to the IMF, we now face the potential share scenario where the American taxpayer is partly underwriting severance payments and retirement packages to a man who is pending a criminal conviction as a felon.

This is clearly unacceptable, and it is my hope that the U.S. executive director to the IMF, Meg Lundsager, advocates that no future benefits pass to Mr. Dominique Strauss-Kahn, if he is convicted of the crimes with which he is charged.

As you know, the IMF is spearheading efforts to manage a very wide and deep European debt crisis. Despite my reservations about U.S. taxpayer bailouts for Greece, Ireland, and Portugal, the institution does play a very critical role in financial leadership. I think it needs to set an example, especially with regard to its now-disgraced leader.

Mr. Strauss-Kahn has failed to live up to the expectations of his institution and what the American taxpayers support.

STATE BAILOUTS

Mr. President, the U.S. Treasury is scheduled to borrow over \$1.4 trillion this year, and we have a scheduled interest payment of over \$220 billion. We will pay more in interest this year than we do for the cost of the U.S. Army. I am very concerned about this situation and also an underreported financial situation developing in American States. The situations in my home State of Illinois and the State of California are the most dire. I would regret any attempt by these States to seek a Federal bailout. To defend the full faith and credit of the United States, I think we should move forward with a resolution that I introduced with a number of other Senators, S. Res. 188, that expresses the sense of the Senate that we should have no Federal bailout for the States.

This is an issue that has concerned the Senate once before. In the 1840s, we faced a funding crisis of the States. The Senate wisely advised then-Secretary of the Treasury Daniel Webster to seek or report on any discussions that he might have had that could have led to guaranteeing State debt. It was the Senate's express resolution that prevented Treasury Secretary Webster from bailing out the State's

debt. The crisis at the time was even reflected in Charles Dickens' famous book "A Christmas Carol," in which Scrooge was described as someone who was less than wealthy because he had overinvested in what were called United States sovereigns. In fact, the phrase in the "Christmas Carol" is "not worth a United States sovereign" because of the spend-thrift policies of many State governments at the time.

The Senate at that time took the correct action to prevent the spend-thrift actions of several States from contaminating and ruining the credit rating of the United States itself.

Our credit rating is already under stress with reports, especially by Standard & Poors, that we may face a loss in the AAA credit rating invented to symbolize the strength of the United States if we don't change the spending course soon. A way to accelerate the loss of a AAA credit rating is to guarantee or somehow bail out spend-thrift States such as Illinois or California.

In Illinois, we have a very courageous State treasurer who just took office and made a clear statement. Treasurer Dan Rutherford has told the leaders of my own State they need to stop borrowing, they need to stop spending. He is seeking no Federal bailout for his State. The State situation is quite dire.

By one estimate, the revenues and pensions of the State of Illinois are the worst funded in America. Less than 40 percent of the pensions, by one estimate, have been funded. With this type of track record, you could see a situation in which California or Illinois, in a crisis, would seek a bailout from the Senate and from the House. I think we should repeat the wise precedent set in the 1840s, the advice we sent to Treasury Secretary Daniel Webster to set a clear marker for our own Treasury Secretary to make sure there is no bailout for the States. To protect our credit rating, I think this action is necessary, especially to reassure the credit rating agencies.

What would happen if we don't? Could we provide temporary benefits to Illinois and California? We could. Could we underwrite their policies of spend-thrift ways? We could. Would we accelerate a loss of the AAA credit rating of the United States? We could. We are already seeing an example of what happens when you drive your national economy off a cliff. Many of us originally hailed from our long-time ancestors who passed from Ireland, and recently the Irish Government finances collapsed as they lost their credit rating. Because interest rates spiked in that country so fast, 53 percent of mortgages in Ireland were foreclosed in a short space of time after the loss of their credit rating.

We need to act to protect the people of the United States from such an economic fate. That is why we need to say no to any State bailouts, why we need to cut spending in Washington, and why we need to make sure that at all

costs we defend the credit rating of the United States. It is our sacred duty to make sure that what is befalling the people of Greece and the people of Portugal and the people of Ireland, being misruled by governments that said yes to every special interest spending idea and no to their economic future, does not infect the credit rating of the United States.

That is why this resolution is so needed, and that is why I am so proud to submit it today in the full and complete historic financial tradition of the Senate.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. INHOFE pertaining to the introduction of S. 1085 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

COTE D'IVOIRE

Mr. INHOFE. Mr. President, I have made four speeches on the floor in the last month about the disaster, the catastrophe that is taking place in a country in west Africa called Cote d'Ivoire. Cote d'Ivoire is a country whose President, the legitimate President, I might add, is Laurent Gbagbo, with his wife Simone. Someone named Alassane Quattara, from the northern part of Cote d'Ivoire, with a rigged election, came in; it was certified. It was all set up before we knew what was going on.

That individual's name is Quattara. His death squads today, this very moment as we speak, are roaming the streets of Abidjan in Cote d'Ivoire. He is murdering and he is raping. Right now they have in captivity Laurent Gbagbo, the legitimate President of Cote d'Ivoire. I think they are in the process of perhaps killing him right now. We don't know that. The State Department does not know it. No one knows it.

We had a hearing. The State Department was totally without compassion or concern over what is happening in the streets of Abidjan. We saw, we witnessed on video, the helicopters coming through and destroying that city. We have friends there right now who tell us that even today the death squads of Alassane Quattara are roaming the streets murdering people. No one can say within 10,000 people how many people they murdered.

My concern is it is too late to do anything about that. They rigged the election. I documented it. I sent the documentation to the State Department. They paid no attention to it. France was behind the whole thing. France wants to have as much control as they can of west Africa. They conned the United Nations into it and our State Department went along with it.

What is happening right now is so inhumane. I wish I had the pictures I showed before. The beautiful First Lady, Simone Gbagbo, is a beautiful lady, and they took her into captivity, pulled her hair out by the roots, and ran through the streets of Abidjan, holding up her hair in their hands. They are murdering everyone who is a friend of that administration.

Well, I have one plea right now. There are a lot of options on what they can do. They can murder the President and First Lady—and they are considering that now. They are trying to consider some way to make it look like suicide. I don't know what they are doing. The State Department doesn't know what they are doing. Unfortunately, the State Department doesn't even care what they are doing.

One of the options would be to allow the President and the First Lady and some who are close to go to another country in Sub-Saharan Africa and be able to stay in that country. We have already located host countries to allow that to take place.

So I am making an appeal right now. I can't get the Secretary of State to talk to me about it. I can't get anyone else but just a handful of people, but we need to do something and do something now—today. If we wait until after this recess, I would almost say their blood will be on the hands of the State Department because we can do something about it now. All we have to do is encourage the new, illegitimately elected President of Cote d'Ivoire—Alassane Ouattara—and his administration to give an opportunity for another state to host these two individuals. Quite frankly, I think that would be a very smart thing politically for him to do because with the other two options, we all know what happens. We know what martyrs are, and that is what would happen.

So this is, I guess, a final appeal to anyone who is sensitive to the torturing, raping, and murdering that is going on today to join me in encouraging the State Department, the United Nations, France, and Alassane Ouattara to turn over President and Mrs. Gbagbo to a host country for their asylum.

With that, I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Florida.

OIL SPECULATION

Mr. NELSON of Florida. Madam President, we have all heard the phrase "drill, baby, drill." Well, it is interesting that the pro-oil company folks think that all of our answers have to do with drilling because, lo and behold, we have actually increased our domestic production. Let me quote from a Reuters story from May 25:

Crude oil production, especially in the deep waters of the Gulf of Mexico, increased by 334,000 barrels per day between 2005 and 2010, which also cut into foreign oil purchases.

As a matter of fact, the article goes on to say:

Imports of crude and petroleum products accounted for 49.3 percent of the U.S. oil demand last year, down from the high of 60.3 percent in 2005. It also marked the first time since 1997 that America's foreign oil addiction fell under the 50 percent threshold.

Now, that is worth noting. That is really something because the trend is reversing. Maybe it is that we are getting more energy conscious. Maybe it is that we are expending less gasoline in our vehicles because of the higher miles-per-gallon standards. Maybe we are remembering to turn off the lights when we leave the room. Maybe we are being a lot more sensitive to how vulnerable we are because we depend—as we have in the past—on upwards of 60 to 70 percent of our daily consumption from foreign shores, places such as Nigeria and the Persian Gulf and Venezuela.

Now, I have just named three very unstable parts of the world that could, at any moment, cut off that production. So maybe America is finally waking up to the fact that, lo and behold, we have to be concerned about our energy sources and not depend so much on foreign production.

The mantra “drill, baby, drill” implies that if we just continue to drill—in places where we can drill domestically—that is going to solve our problem. But that ignores the fact that it takes about 10 years to take an oilfield and get it into production. So that doesn't solve our problem now as we are facing these high gas prices. That is what I want to talk about, the high gas prices.

We ought to drill where we should. A lot of people do not know that of the 37 million acres that are leased in the Gulf of Mexico only 7 million are drilled. There are 37 million acres leased in the Gulf of Mexico, but only 7 million of those 37 million acres are drilled. So let's do drill, baby, drill. Let's drill on all those leases, those 30 million acres in the gulf and elsewhere that are existing leases and that haven't been drilled.

But it is not the world oil market and the U.S. consumption that is causing these gas prices to go up. There are other factors, and I want to talk about that as well. It is true there are new demands on oil consumption from burgeoning countries such as China and India, and that causes more oil to be consumed from the world marketplace. But remember what I just cited; that the United States is lowering its consumption of imported oil. So that is clearly not a factor affecting the price of oil worldwide or the price at the pump we pay for the refined gasoline.

No, there is another reason. That reason happens to be the speculators who are out there running up the price on commodity exchanges for oil futures contracts. Those prices run up until they are ready to dump them, and then suddenly they go down.

I want to call the attention of the Senate to a New York Times story from May 24—just a couple of days

ago—entitled “U.S. Suit Sees Manipulation of Oil Trades.” Let me quote from the article.

The suit says that in early 2008 they tried to hoard nearly two-thirds of the available supply of a crucial American market for crude oil, then abruptly dumped it and improperly pocketed \$50 million.

So the Federal commodities regulators filed a civil lawsuit against two obscure traders in Australia and California and three American and international firms. This was in the context of 3 years ago, in 2008, when oil prices had surged past \$100 a barrel. There were those suspicions then that traders had manipulated the market, and that ultimately has led to a number of commentaries and investigations.

Well, the regulators at the Commodity Futures Trading Commission have now filed this suit, and they are looking into the fraud being utilized in these oil and gas markets, particularly the commodity futures markets.

In the past months, I have come to the Senate floor several times to discuss the net result of all of this, which is what we pay at the pump, and how it directly links to these oil speculators and the game they play in running up the price of oil. Using the data from the Commodity Futures Trading Commission and price data from the Energy Information Administration, we have shown on this floor in speech after speech—until I am blue in the face—the direct link between the rising level of speculators and their speculation in our energy markets and the skyrocketing oil and gas prices.

When the top executives of the five largest oil companies in the United States testified a week ago in our Senate Finance Committee on what role speculation played in the oil markets, I asked them to please explain why gas prices are remaining so high when oil prices have begun to fall. Madam President, you should have heard the mumbling around that followed. The truth is, speculators, whether they are active traders or passive investors, have hijacked our oil markets in recent years, and the American people are the ones who are suffering the consequences because the price of that gas goes up when we pump it into our cars.

Oil prices are set in futures markets, such as those regulated by the Commodity Futures Trading Commission. Futures contracts—meaning we buy a contract of oil at a specified price to be delivered at a future date—allow oil producers to lock in prices on their future output. Those contracts also allow large consumers of fuel, such as airlines, to lock in a price as a hedge against inflation and that future price swinging way up.

The futures markets were intended to bring actual producers and real consumers of oil together, and, in doing so, the supply would match the demand. Speculators then were allowed to play a limited role to ensure there was sufficient liquidity in the market. But then here is what happens—and this is what

happened back in 2008 when the price of gas went so high. Speculators constitute now anywhere from two-thirds to 80 percent of the market. They are no longer a bit player, they are the main player, and this is what we need to end.

In last year's financial reform bill, we directed the Commodity Futures Trading Commission to set hard limits on the speculative positions. We gave them a deadline of last January 21. Now we are here months past the deadline, but the CFTC has not yet finalized a rule.

Why should they do this? If you are a legitimate user of oil—say, an airline—you have every reason to want to hedge against the price of that oil going way up, so you buy a contract for delivery of oil at a specified price at a future date. But if you are a speculator—buying and selling oil futures contracts, having no intention to use the oil, having only to put as a downpayment a bare percentage of the total contract price—you can manipulate that price upwards by buying and selling those contracts. This is exactly what happened back in 2008. It is what is happening again, as we have seen the price of a barrel of oil go up and up.

We passed the law last year. The Commission has the authority. We should not have to pass another law that requires them to do it, but if the CFTC cannot get the job done, then we are going to have to. That is the bottom line.

The American people are outraged. Here America is lowering its consumption of oil, here America is lowering its imports of oil, here we are getting more energy conscious, and yet the price of gas keeps going up. It is time to put an end to this.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona is recognized.

Mr. MCCAIN. I thank the Chair.

Mr. President, in a few minutes my colleague from Maryland, Senator CARDIN, will be introducing a bill which I am a cosponsor of, along with a large bipartisan group of our colleagues. I wish to emphasize at the outset that some may characterize this legislation as anti-Russian. In fact, I believe it is pro-Russian. It is pro the people of Russia. It is pro the people who stand up for human rights and democracy in that country which, unfortunately, seems to be sadly deprived of.

This legislation, as my colleague and friend Senator CARDIN will describe, requires the Secretary of State, in consultation with the Secretary of the Treasury, to publish a list of each person whom our government has reason

to believe was responsible for the detention, abuse, or death of Sergei Magnitsky; participated in efforts to conceal the legal liability for these crimes; committed those acts of fraud that Magnitsky uncovered; is responsible for extrajudicial killings, torture, or other gross violations of human rights committed against individuals seeking to expose illegal activities in Russia or exercise other universally recognized human rights.

Second, the individuals on that list would become the target of an array of penalties, among them, ineligibility to receive a visa to travel. They would have their current visas revoked, their assets would be frozen that are under U.S. jurisdiction, and U.S. financial institutions would be required to audit themselves to ensure that none of these individuals are able to bank excess funds and move money in the U.S. financial system.

I guess the first question many people will be asking is who was Sergei Magnitsky? Who was this individual who has aroused such outrage and anger throughout the world? He was a tax attorney. He was a tax attorney working for an international company called Hermitage Capital that had invested in Russia. He didn't spend his life as a human rights activist or an outspoken critic of the Russian Government. He was an ordinary man. But he became an extraordinary champion of justice, fairness, and the rule of law in Russia where those principles, frankly, have lost meaning.

What Sergei Magnitsky did was he uncovered a collection of Russian Government officials and criminals who were associated with the Russian Government officials who colluded to defraud the Russian state of \$230 million. The Russian Government in turn blamed the crime on Heritage Capital and threw Magnitsky in prison in 2008.

Magnitsky was detained for 11 months without trial. Russian officials, especially from the Interior Ministry, pressured Magnitsky to deny what he had uncovered—to lie and to recant. He refused. He was sickened by what his government had done and he refused to surrender principle to brute power.

As a result, he was transferred to increasingly more severe and more horrific prison conditions. He was forced to eat unclean food and water. He was denied basic medical care as his health worsened. In fact, he was placed in even worse conditions until, on November 16, 2009, having served 358 days in prison, Sergei Magnitsky died. He was 37 years old.

Sergei Magnitsky's torture and murder—let's call it what it really was—is an extreme example of a problem that is unfortunately all too common and widespread in Russia today: the flagrant violations of the rule of law and basic human rights committed by the Russian Government itself, along with its allies.

I note the presence of my colleague and lead sponsor of this important leg-

islation. I hope in his remarks perhaps my friend from Maryland would mention the latest in the last few days which was the affirmation of the incredible sentence on Mr. Mikhail Khodorkovsky and his associate which is, in many ways, tantamount to a death sentence; again, one of these blatant abuses of justice and an example of the corruption that exists at the highest level of government.

I wish to say again I appreciate the advocacy of my colleague from Maryland and his steadfast efforts on behalf of human rights in Russia, Belarus, and other countries. It has been a great honor to work with him and for him in bringing this important resolution to the floor of the Senate.

I ask unanimous consent that at the appropriate time, the Senator from Maryland and I be allowed to engage in a colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maryland.

Mr. CARDIN. Mr. President, let me thank Senator MCCAIN, not just for taking time for this colloquy concerning Mr. Magnitsky but for his longstanding commitment to justice issues, human rights issues, and the values the United States represents internationally.

We have had a long, proud, bipartisan, and, most importantly, successful record of promoting basic American values such as democratic governance and the rule of law around the world. Engaging the countries of the Eastern Bloc in matters such as respect for human rights was critical to winning the cold war. We will never know how many lives were improved and even saved due to instruments such as the Helsinki Final Act and the Jackson-Vanik amendment. These measures defined an era of human rights activism that ultimately pried open the Iron Curtain and brought down the Wall. Thankfully, the cold war is over and we have a stronger relationship, both at the governmental and societal levels, with countries in Eastern Europe. But, sadly, internationally recognized rights and freedoms continue to be trampled and, in many cases, with absolute impunity.

With the possibility of Russia's accession to the World Trade Organization, and the Presidents of the United States and Russia meeting in France, ours is a timely discussion.

Last week, I joined my distinguished colleague, the Senator from Arizona, and 14 other Senators from both parties to introduce the Sergei Magnitsky Rule of Law Accountability Act—a broad bill to address what the respected watchdog Transparency International dubbed a “systematically corrupted country” and to create consequences for those who are currently getting away with murder.

Actions always speak louder than words. The diplomatic manner of dealing with human rights abuses has frequently been to condemn the abusers,

often publicly, with the hope that these statements will be all they need to do. They say oh, yes, we are against these human rights violations. We are for the rule of law. We are for people being able to come forward and tell us about problems and be able to correct things. They condemn the abusers, but they take no action. They think their words will be enough. Well, we know differently. We know what is happening today in Russia.

We know the tragedy of Sergei Magnitsky was not an isolated episode. This is not the only time this has happened. My colleague from Arizona mentioned the Mikhail Khodorkovsky case. Mr. Khodorkovsky is today in prison with even a longer sentence. Why? Because he had the courage to stand up and oppose the corrupt system in Russia and something should be done about it. That is why he is in prison, and that is wrong.

So it is time we do something about this and that we make it clear that action is needed. For too long, the leaders in Russia have said we are going to investigate what happened to Sergei Magnitsky. We think it is terrible he died in prison without getting adequate medical care. As Senator MCCAIN pointed out, here is a person whose only crime was to bring to the proper attention of officials public corruption within Russia. As a result of his whistleblowing, he was arrested and thrown in jail and died in jail. He was tortured. That cannot be allowed, to just say, Oh, that is terrible. We know the people who were responsible. In some cases they have been promoted in their public positions. Well, it is time for us to take action. That is why we have introduced this legislation.

While this bill goes far beyond the tragic experiences of Sergei Magnitsky, it does bear his name, so let me refresh everyone's recollection with some of the circumstances concerning his death. I mention this because some might say, why are we talking about one person? But as the Soviet dictator Joseph Stalin said, “One death is a tragedy; one million is a statistic.” I rarely agree with Dictator Stalin, but we have to put a human face on the issue. People have to understand that these are real people and real lives that have been ruined forever as a result of the abuses within Russia.

Sergei was a skilled tax lawyer who was well known in Moscow among many Western companies, large and small. In fact, he even did some accounting for the National Conference on Soviet Jewry. Working at the American law firm of Firestone Duncan, Sergei uncovered the largest known tax fraud in modern Russian history and blew the whistle on the swindling of his fellow citizens by corrupt officials. For that he was promptly arrested by the subordinates of those he implicated in the crime. He was held under torturous conditions in detention for nearly a year without trial or

visits from family. He developed severe medical complications which went deliberately untreated, and he died on November 16, 2009, alone in an isolation cell while prison doctors waited outside his door. Sergei was 37 years old. He left behind a wife, two sons, a dependent mother, and so many friends.

Shortly after his death, Philip Pan of the Washington Post wrote:

Magnitsky's complaints, made public by his attorneys as he composed them, went unanswered while he lived. But in a nation where millions perished in the Soviet gulag, the words of the 37-year-old tax lawyer struck a nerve after he died . . . his descriptions of the squalid conditions he endured have been splashed on the front pages of newspapers and discussed on radio and television across the country, part of an outcry even his supporters never expected.

I think Senator McCAIN and I would agree, there is a thirst for democracy around the world. People in Russia want more. They want freedom. They want accountability. They want honest government officials. They are outraged by what happened to Sergei Magnitsky.

I would point out just last week I met with a leader of the Russian business community who came here and traveled at some risk, I might say. Just visiting me was a risk. We have people from Russia who are being questioned because they come and talk to us. But he said to me that what happened here needs to be answered by the Russian authorities. He understands why we are introducing this legislation.

A year after his death, and with no one held accountable, and some of those implicated even promoted and decorated, The Economist noted:

At the time, few people outside the small world of Russian investors and a few human-rights activists had heard of Mr. Magnitsky. A year later, his death has become a symbol of the mind-boggling corruption and injustice perpetrated by the Russian system, and the inability of the Kremlin to change it.

Regrettably, we know Sergei's case, egregious as it is, is not isolated. Human rights abuses continue unpunished and often unknown across Russia today.

To make this point more clear, let's look at another example far outside the financial districts of Moscow and St. Petersburg in the North Caucasus in southern Russia where Chechen leader, Ramzan Kadyrov, condones and oversees massive violations of human rights, including violations of religious freedom and the rights of women. His militia also violates international humanitarian laws. As of this April, the European Court of Human Rights has ruled against Russia in 186 cases concerning Chechnya, most involving civilians.

So Sergei Magnitsky's case is not an isolated case of abuse by the Russian authorities. There has been a systematic effort made to deny people their basic human rights, including one individual, Natalia Estemirova, who personally visited my office at the Hel-

sinki Commission. She was a courageous human rights defender who was brutally assassinated.

So it is time for Russia to take action. But we cannot wait; we need to take action.

Mr. McCAIN. Will the Senator yield for a question?

Mr. CARDIN. I yield back to my colleague.

Mr. McCAIN. First, I thank my colleague from Maryland for a very eloquent and, I think, very strong statement, to which I can add very little. But isn't it true, I ask my friend, that this Magnitsky case and the Khodorkovsky case, which I would like for us to talk a little bit more about, are not isolated incidents?

In other words, this is the face of the problem in Russia today. As the Senator mentioned, in its annual index of perceptions of corruption, Transparency International ranked Russia 154th out of 178 countries—perceived as more corrupt than Pakistan, Yemen, and Zimbabwe. The World Bank considers 122 countries to be better places to do business than Russia. One of those countries is Georgia, which the World Bank ranks as the 12th best country to do business.

In other words, isn't it true in the Magnitsky case, it is what has been taking place all across Russia, including this incredible story of Khodorkovsky, who was one of the wealthiest men in Russia, one of the wealthiest oligarchs who rebelled against this corruption because he saw the long-term consequences of this kind of corruption and was brought to trial, convicted, and then, when his sentence was completed, they charged him again?

Talk about a corrupt system, isn't it true that Vladimir Putin said he should "sit in jail," and we now know that the whole trial was rigged, as revealed by people who were part of the whole trial? In other words, isn't it true, I would ask my friend from Maryland, that what we are talking about is one human tragedy, but it is a tragedy that is unfolding throughout Russia that we do not really have any knowledge of? And if we allow this kind of abuse to go on unresponded to, then, obviously, we are abrogating our responsibilities to the world; isn't that true?

Mr. CARDIN. I say to Senator McCAIN, you are absolutely right. This is not isolated. Magnitsky is not an isolated case of a lawyer doing his job on behalf of a client and being abused by the authorities. We have a lot of examples of lawyers trying to do their jobs and being intimidated and their rights violated.

But in Mr. Khodorkovsky's case, we have a business leader who was treated the same way just because he was a successful business leader. Even worse, he happened to be an opponent of the powers in the Kremlin.

So we are now seeing, in Russia, where they want to quell opposition by

arresting people who are just speaking their minds, doing their business legally, putting them in prison, trying them, and in the Khodorkovsky case actually increasing their sentences the more they speak out against the regime.

That is how authoritarian they want to be and how oppressive they are to human rights. But I could go further. If one is a journalist in Russia, and they try to do any form of independent journalism, they are in danger of being beaten, being imprisoned, being murdered. It is very intimidating. The list goes on and on.

Mr. McCAIN. Could I ask my colleague, what implications, if any, does the Senator from Maryland believe this should have on the Russian entry into the World Trade Organization?

Mr. CARDIN. Well, it is very interesting, I say to Senator McCAIN. I just came from a Senate Finance Committee hearing, and we were talking about a free-trade agreement. I am for free-trade agreements. I think it makes sense. It is funny, when a country wants to do trade with the United States, they all of a sudden understand they have to look at their human rights issues.

I think all of us would like to see Russia part of the international trade community. I would like to see Russia, which is already a member of a lot of international organizations, live up to the commitments they have made in joining these international organizations.

But it is clear to me that Russia needs to reform. If we are going to have business leaders traveling to Russia in order to do business, I want to make sure they are safe in Russia. I want to make sure they are going to get the protection of the rule of law in Russia. I want to make sure there are basic rights that the businesspeople in Russia and the United States can depend upon.

So, yes, I understand that Russia would like to get into the WTO. We have, of course, the Jackson-Vanik amendment that still applies. I understand the origin of that law, and I understand what needs to change in order for Russia to be able to join the World Trade Organization.

But I will tell you this: The best thing that Russia can do in order to be able to enter the international trade regime is to clean up its abuses in its own country, to make clear it respects the rule of law; that businesspeople will be protected under the rule of law and certainly not imprisoned and tortured, as in the cases of Mr. Khodorkovsky and Mr. Magnitsky. We do not want to see that type of conduct.

If Russia would do that, if they would reform their systems, then I think we would be a long way toward that type of integration and trade.

Mr. McCAIN. I thank my colleague from Maryland for an eloquent statement about the situation as regards

Russia. I thank him, and I can assure my colleague from Maryland that, as we speak, this will provide—and this legislation which he has introduced, will provide—some encouragement to people who in Russia now, in some cases, have lost almost all hope because of the corruption of the judicial system, as well as other aspects of the Russian nation.

We all know that no democracy can function without the rule of law; and if there are ever two examples of the corruption of the rule of law, it is the tragedy of Sergei Magnitsky and, of course, Mr. Khodorkovsky, who still languishes in prison; who, in his words, believes he—by the extension of his prison sentence—may have been given a death sentence.

So I thank my colleague from Maryland.

Mr. CARDIN. Will my colleague yield for just one final comment?

I think the Senator is right on target as to what he has said. I appreciate the Senator bringing this to the attention of our colleagues in the Senate.

I will respond to one other point because I am sure my colleague heard this. Some Russian officials say: Why are we concerned with the internal affairs of another country? I just want to remind these Russian officials, I want to remind my colleagues here, that Russia has signed on to the Helsinki Final Act. They did that in 1975, and they have agreed to the consensus document that was issued in Moscow in 1991 and reaffirmed just last year with the heads of state meeting in Astana, Kazakhstan, just this past December. I am going to quote from that document:

The participating States—

Which Russia is a participating state—

emphasize that issues relating to human rights, fundamental freedoms, democracy and the rule of law are of international concern, as respect for these rights and freedoms constitutes one of the foundations of international order. They categorically and irrevocably declared that the commitments undertaken in the field of the human dimension are matters of direct and legitimate concern to all participating States—

The United States is a participating state—

and do not belong exclusively to the internal affairs of the State concerned.

Mr. MCCAIN. That was a statement by the Government of Russia?

Mr. CARDIN. That was a statement made by the 56 states of the OSCE at a meeting of the Heads of State, which happens about every 10 years. It just happened to have happened last year. Russia participated in drafting this statement. Russia was there, signed on to it, and said: We agree on this. It is a reaffirmation as to what they agreed to in 1991 in Moscow where we acknowledged that it is of international interest, and we have an obligation and right to question when a member state violates those basic human dimension commitments. Russia clearly has done that. We have not only the right but

the obligation to raise that, and I just wanted to underscore that to my colleagues.

I say to Senator MCCAIN, your comments on the Senate floor are so much on point. I think people understand it. They understand the basic human aspect to this. But sometimes they ask: Well, why should America be concerned? Do we have a legitimate right to question this? Russia signed the document that acknowledges our right to challenge this and raise these issues.

I thank my colleague for yielding.

Mr. MCCAIN. I thank my colleague from Maryland, and I hope we would get, very rapidly, another 98 cosponsors.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REED. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BUDGET

Mr. REED. Madam President, we have been engaged in a very important debate on our budget over the last few days, and this debate will continue over the next several weeks, indeed, for probably several months. It is not a new debate. Like past debates, at the heart of it are important programs to middle-income Americans, such as Medicare, Medicaid, and Social Security. In some quarters, they are under attack. This does not have to be the case.

In the 1990s, Democratic majorities in the House and the Senate, with a Democratic President, were able to deal with this issue of deficits while preserving these programs and strengthening, indeed, in many cases, these programs. We were able to also provide the kind of economic growth that generated job creation, not just increased GDP or increased profits on Wall Street, but jobs on Main Street.

Much of these efforts were, frankly, undone, beginning in 2000 with tax cuts that did not, as advertised, produce the kind of private employment growth that was necessary for our economy, that shifted the burden to middle-income taxpayers, while giving the wealthiest Americans extraordinary relief and unfunded entitlement programs, such as Medicare Part D and two major conflicts, none of which were paid for.

So now we, once again, face a situation where we have a significant deficit, and we need to address it. President Obama has begun that process with the same commitment to maintaining Medicare, Medicaid, and Social Security, not without reforms and strengthening, but making sure that middle-income Americans and all Americans can have access to these vital programs.

We have taken significant steps in the long run to reform our health care system with the Affordable Care Act.

We hope that act is implemented efficiently and effectively so we can begin to realize long-term savings to bend the proverbial cost curve of our health programs, not just our Federal health care programs but our health care costs across the board that are borne by private insurers as well as private programs.

In fact, ironically, it seems to me that one of the major accelerators of the Medicare Program is the fact that so many Americans—about 40 million—do not have access to consistent quality health care now. Yet, when they turn 65, by right they have access to a panoply of services. I have had discussions with doctors, and they will tell me that they say several times a day to their new Medicare patients: I wish I saw you 10 years ago because I would not have to apply the expensive diagnostic and treatment. I could have done something much easier, much less costly if you had coverage and access.

So that is one of the long-term efforts we have underway, but we have to do a lot more to go ahead and deal with the issues before us.

We have seen Republican budget proposals, but frankly I do not think they strengthen the middle class here in the United States, nor do they provide the kind of sensible investment that will lead to job creation and provide the opportunities that are necessary for succeeding generations in America. I think they are more dedicated to an ideological commitment to simply reduce taxes, and that is something that has to be tested and should be tested in the history of the last several years. That was the same argument that was made in 2001, that such tax cuts would generate huge growth in private employment, unleash huge economic forces here in the United States, and frankly, over the last 10 years, that has not been the case.

So I think we have to be sensible. I think we have to address the tax reforms and tax reductions to middle-income Americans, not continue to favor the richest Americans, when it comes to tax proposals. So much of what the Republican budget seems to do is continue what they started in 2001—huge relief for the wealthiest Americans. But it is increasingly putting the burden on Middle America. In fact, it has been estimated that under the Republican budget, individuals making over \$1 million would receive an average tax cut of \$125,000 a year. That is a huge cut relative to whatever a working, middle-income American might receive.

One of the other aspects of this budget is the impact it would have on Medicare. Medicare is central to every family in the country. In fact, look around at not just someone who is earning a wage hour by hour, but look at the small businessperson, a man or a woman. Their retirement plan rests on the assumption that they will have access to Medicare. The Republican's proposal, as I understand it, essentially

ends that for individuals who are about 55 years old or younger. Well, in the next 10-plus years or so, they are going to have to come up with a lot of money to pay for the Medicare they assumed they would receive automatically when they retire at 65. That is not just the wage earner, the hourly worker who goes in there; that is the small businessperson whose postretirement plan rests fundamentally on Medicare and them being able to buy a supplemental health care plan to that.

So these are fundamental and, in fact, earth-shattering proposals, in my view.

Currently, seniors on traditional Medicare pay approximately \$1,700 in annual premiums. They are charged a limited amount for every hospital stay, have a reasonable deductible for every major procedure and treatment, and pay copays for services and prescription drugs. They are even able to buy, as I alluded to, these Medigap plans so they can supplement what Medicare provides with additional resources, and these supplemental plans are very affordable. On average, Medicare then spends \$11,762 on every senior, and that is just an average.

But this would all change, and it would inject a huge amount of uncertainty if the budget that is proposed by Republicans, that is still being debated by the Republicans, that is still being supported in many cases by Republicans is in any way enacted.

In the year 2022, under the proposal, if the Republican budget were enacted, every senior who becomes eligible for what we now call Medicare would be given \$8,000 to address all their health care needs and then sent to the marketplace to buy health care private insurance.

Now, I guess I have reached a point in my life where I can reflect and remember that as a youngster in the 1950s, there was, in practically every one of my friends' homes, a grandparent who was there because they didn't have access to Medicare or Medicaid.

They were in a hospital bed in the living room or in some other room. They were being cared for by typically the mother, who was also trying to care for youngsters such as myself and my contemporaries. The reason was, regardless of how much money you have, at some point, insurance companies will not sell you insurance. You are old. You had health experiences prior to that. You are a bad risk, and they are not in the business of insuring bad risks. That was, as much as anything, the genesis of Medicare—the recognition that the private health care market would not, regardless of the ability to pay, provide adequate coverage. And I think we have forgotten that.

When the Congressional Budget Office, a nonpartisan organization, looked at the proposal, they essentially concluded that with this \$8,000 transfer to a senior in lieu of traditional Medi-

care, the senior would be on the hook for an additional \$12,500 in health care costs. In fact, it would likely result in some seniors not even getting health care insurance at all, not being able to afford it or at some point, particularly as they aged, getting to the point where no one would write them health care insurance because of the obvious health risks they were.

So this is a plan that I don't think comports with the reality of Americans who have already planned to have access to Medicare and also the reality that what is proposed—an \$8,000 transfer payment to an insurance company—would be inadequate to provide the kind of minimum coverage we should be providing to our seniors.

We have had examples before where particular Republicans would propose that they had a new, novel way to provide private health care insurance in lieu of traditional Medicare. When Medicare Advantage was established in 2003, seniors had the option of enrolling in private health insurance plans that were argued by their advocates as being cost-effective, as putting pressure on the public health care plan known as Medicaid. Madam President, 60,000 seniors in my State of Rhode Island enrolled. Private Medicare Advantage plans sell consumers on additional benefits and smaller copays. They went out—very selectively, I suspect—recruiting seniors in a way that they hoped attracted the healthiest seniors, not the sickest seniors, to lower their costs. However, in reality, most of these plans tended to cost more than traditional Medicare as the smaller copays were largely offset by higher monthly premiums.

So there are those who are still seriously proposing this Republican approach to Medicare. I think it will be a mistake. I think it would reduce access to health care coverage for seniors. I do not think the private market will jump up with \$8,000. I do not think you will see that Congresses in the future will escalate the cost of these vouchers or transfers to private insurance companies in any way that would be commensurate to the real cost seniors would face.

As a result, I think this proposal will do serious harm to health care and particularly to the middle-income American who, regardless of whether they are running a small business or working for an hourly wage, will now face the prospect of the great uncertainty, the great unknown of no adequate health care coverage when they reach 65. We will go back in time to the period of my youth where, quite frankly, seniors did not have the kind of health care coverage they have today and I believe the kind of health care coverage they deserve.

With respect to Medicaid, there are also proposals here and the thought that Medicaid is just a program for children and poor Americans. But, frankly, if you look at the statistics, there are 26,000 seniors in my State

who are on Medicaid, principally because of nursing home care. And we have to ask ourselves, if these plans to provide block grants to States are enacted under the Republican proposal, whether those seniors still can maintain themselves in these nursing facilities, whether the costs will be so great on the States that they will be unable to keep up the level of effort, the level of support they are today.

What seems to be inherent in all of those proposals is not savings but shifting costs, not reforming the system to be more efficient and more effective but simply shifting the cost onto seniors, shifting the cost onto particularly middle-income Americans.

So, I am pleased that we did not accept these Republican budget proposals, which are the wrong way to address our budget issues.

I yield the floor.

The PRESIDING OFFICER (Mr. COONS). The Senator from Indiana.

Mr. COATS. Mr. President, I wish to thank the Senator from North Dakota for allowing me to go first. I will be relatively brief.

I have spoken on the floor on a number of occasions regarding my frustration about the Senate not spending enough time debating what I think is the key, essential issue and challenge facing us, probably greater than any other challenge facing this body in a long time. My frustration only grew yesterday as we voted down four budget proposals.

You know, it has been 757 days since we have passed a budget in this body, and so far, no budget has been proposed this year out of the Budget Committee for us to examine. The President offered up a budget earlier this year that would have spent more, taxed more and borrowed more. It was voted down last night in what I think probably was a historic vote. I did not go back and check the records, but I am not aware of any budget that has ever been presented by the executive branch to the Congress for approval that has not received at least some votes.

The vote last evening was 97 to 0 against the President's budget. It is almost unthinkable that a President—the executive branch—would send a budget to the floor to be debated and voted upon and not achieve one vote. I think what it tells us is that, obviously, that budget was not designed to gain any kind of bipartisan support. But it didn't even obtain any partisan support.

It was not taken seriously, at a time when we need to have in front of us a serious budget to debate and vote on. As I said, there have been 757 days without a budget before us. You cannot run a company, a family, or run anything, unless you prepare a budget and avoid going into debt. That is where we are today.

Republicans did come forward with three proposals. Unfortunately, all of those were voted down. You can argue that none of those three were sufficient

to garner enough support. All three received a significant level of support—particularly two of them. Yet there were not enough votes to pass this body. So while the House has passed a budget, which we voted on yesterday, but unfortunately fell short, these are the only proposals we have had in front of us to debate. These are the only proposals we have had to vote on and set the structure for how we are going to spend the taxpayers' money.

So here we are now approaching the month of June, 5 months into the current calendar year, and 9 months into the fiscal year, and we still don't have a handle on how we are going to spend the taxpayers' money, what restrictions and restraints we will put on that, and how we can live within our means.

This is the debate this Congress should undertake, and it has not been undertaken. Many of us have come to the floor in situations such as this where we have asked for some time to speak, but the issue itself has not been put before us. We know there are negotiations going on relative to how to put a plan into place, but we are a long way from that.

I am here once again to try to urge my colleagues to work together and try to achieve a result—or at least a product on which we can have serious debate to determine the future of how we are going to spend the taxpayers' dollars in a responsible way. The most important factor we have to address is the need, in my opinion, to rein in Washington's excessive spending. The bottom line is that government spending is out of control. The public understands this. I think the response in 2010 to those of us who were running in all the elections sent an unmistakable, long, loud, easily understood signal: We have too much government, we cannot afford the government we have, and we cannot continue to add even more government, which pushes us deeper into debt.

Nearly \$1.4 trillion of our spending is discretionary spending that requires us to borrow money. That borrowed money increases our debt obligation reinforcing the need to rein in our spending. This is something we should debate, something that is part of the responsibility of the Congress and Senate. When we are talking about addressing a national debt of over \$14 trillion, we need to get serious. A little nick here, a little nick there in spending reductions will not solve the problem. We need to look at the larger picture. We are staring down \$14.3 trillion in debt. Credit ratings by Standard & Poor's have downgraded the outlook for the U.S. debt, with a negative warning. Economic growth is sputtering across the country. Unemployment remains high, and States are dipping deeper into the red, zeroing in on billions—which is a lot of money, but it is only a minuscule amount compared to the trillions we are saddled with in debt that we ought to be addressing. It

is time for Congress and the administration to stop ignoring the obvious. The rapid growth of mandatory spending is endangering our financial future.

I point to this chart on my left. It simply points out the dramatic growth that has occurred and will continue to occur over the years in the future. It doesn't take a mathematician—although the math is pretty simple—when you spend \$3.7 trillion a year and take in \$2.2 trillion, that leaves you with a big deficit. But it doesn't take a mathematician or anybody with any sophistication in economics to understand that if we stay on the current path, we are going to continue to see this line escalate. This red on here is red ink. It is net interest we will owe. What does that mean? It means that to continue borrowing in order to finance what we are doing, we are going to have to pay larger and larger rates of interest to the lenders because of the risks associated with our potential inability to pay back the loans we have taken.

This flow of red ink, this red tide—if we don't address this, it is going to make it difficult for Americans to buy cars, pay their mortgages, purchase homes, and buy groceries. The prices of products will go higher because the interest rates will go higher. We are running ourselves into a desperate situation. I think everyone understands that. I think it has been made clear to the American people.

We don't have to spin this whole message here in order to convince the American people we don't have a problem. We do, and they understand that. That is what 2010 was all about. We cannot continue to go forward in 2011 without providing any basis of a real solution to assure the financial world and the people that we are taking steps in order to address this.

I think there is a consensus—and if anybody doesn't understand this, they haven't looked at the problem—that we could tax Americans to death, we can cut discretionary spending by massive amounts, and we won't begin to address the problem we have, unless we address the massive amount of spending on mandatory programs. We don't have control over mandatory programs in terms of budgeting; they are simply there, and if you are eligible, you get to draw from the program. All of that is fine, if you have money to do it. But we are running out of money to pay those recipients who are continuing to receive benefits from these entitlement programs. Unless we address those, we are not going to solve the problem.

Let's take a couple of these, and let's look at Medicare. Everybody says this is a political nonstarter. If you dare talk about it, you are going to get zinged in the next election, and you will be characterized as taking away benefits from the elderly, when the plans that have been put forward don't do anything of the sort. Nevertheless, it is important to understand the dimensions of the problem we are facing

from this one entitlement. Over the next 10 years, Medicare spending—spending on this one entitlement—is expected to double.

A few weeks ago, the Medicare trustees announced that the hospital trust fund would be exhausted by 2024—5 years earlier than estimated in last year's report. Who knows what next year's report is going to tell us.

The bottom line is this program is going to go broke. Failing to restructure Medicare jeopardizes the medical benefits of present and future elderly Americans. So rather than terminating Medicare, as has been charged but is not true, rather than destroying Medicare, which has been charged but is not true, what we are trying to do is find a way to restructure it in a way that Medicare will be viable and solvent so benefits will be available for future retirees.

When Medicare was first enacted in 1967, the program cost \$2.5 billion. At that time, Congress predicted that the program would cost \$12 billion by 1990. That wasn't the case. We underestimated it just a bit—by \$86 billion, which is more than just a bit. When it starts at \$2.5 billion, and you project it will be \$12 billion, and you ended up being off on that estimate by \$86 billion, you have to start asking yourself some questions. You have to start thinking that maybe we got this formula wrong, or maybe our assumptions didn't turn out as we thought they were going to on the cost of Medicare.

Today, Medicare is roughly \$494 billion, with approximately \$89.3 trillion in total unfunded liabilities. These are staggering numbers. They are numbers beyond our ability to comprehend. These numbers are beyond our ability to sustain.

There is no possible way on Earth, no matter how fast or how hard we grow, that we can reach solvency in the Medicare Program without any action. Why? Because after World War II, soldiers came home, and people had deferred having families, and the so-called baby boom generation was born. It has moved through our entire history, over the last 60 years or so, like a pig moves through a python. Early on, there was a rush to provide housing for soldiers and their families. There was a massive infusion of money into baby cribs and the need for hospitals and doctors and nurses to deliver children.

A few years later, all of a sudden, we had to build a massive number of new elementary schools. As this baby boom has moved through their lifespan, we have seen dramatic impacts on the economy—many of them positive. But the colleges that had to be expanded and built, and universities and training facilities, and the education that had to be provided, the employment that needed to be provided—all of this has had a dramatic impact on our economy. We have known for decades that eventually the pig moving through the python was going to reach the point of

retirement, and when it reached the point of retirement, it was going to have an enormous impact on our finances.

Instead of anticipating this coming and putting into place structural plans that would accommodate the needs, legitimate needs of those for retirement income and benefits, we have instead ignored this reality. We have pushed it down the road. Nobody wanted to touch it. Election after election, it was said we better postpone that debate for the next election because it is too hot to deal with now. Well, it is all coming undone. We are at the point almost of no return.

The proposals that have been put forward—you may not agree with every portion of them, and I don't. But the House brought to us a budget plan. You have to give PAUL RYAN a great deal of credit for the extraordinary amount of work and effort he put into it. Maybe you don't like all of it, but it is at least a plan to debate, modify, and adjust; it is something that gives us an opportunity to start down the path of paying off our debt, of maintaining solvency for the Medicare Program.

That is what we ought to be debating instead of saying we are into another cycle of "gotcha," and you have touched the third rail. You made the decision to put Medicare in play and go to the public and tell them we are going to take away their health care benefits when they retire. The opposite is true. We are trying to save that for those who are retiring. We are trying to look at ways to restructure the program so it doesn't break Medicare, or break our entire economy.

Today, the average man is living into his 70s, and an average woman into her 80s, or even 90s. As a result, more elderly Americans are on Medicare than originally anticipated. The Federal Government can no longer continue with business as usual. It is time for some honesty for the American people. Washington is promising to deliver benefits it can't afford. We can no longer nickel and dime doctors and hospitals and force them to pay for the care Washington promised elderly Americans. More and more doctors are forced to turn away Medicare patients. The American Medical Association revealed that 17 percent of the more than 9,000 doctors surveyed are forced to limit the number of Medicare patients they accept. And among primary care physicians, this rate is 31 percent. Why? Because we don't have the money to reimburse them for the cost it takes to provide that care.

The American Osteopathic Association said 15 percent of its members refused Medicare and 19 percent declined to accept new Medicare patients. Physicians and hospitals in my home State of Indiana are feeling the pain from the Congress's inaction as well. Hospitals such as Deaconess Clinic in Evansville, IN, say one-third of their patients are on Medicare. When hospitals and doctors are not receiving the necessary

compensation for services conducted on one-third of their patients, it has a devastating impact on their businesses.

If we don't reform Medicare, we lose Medicare. Let me repeat that. If we don't take steps to reform Medicare, we lose Medicare. If we don't restructure the program, more patients will lose the care they desperately need.

Mr. President, a very prominent figure—a leader of this country—made this statement:

Almost all of the long-term deficit and debt that we face relates to the exploding costs of Medicare and Medicaid. Almost all of it. That is the single biggest driver of our Federal debt. And if we don't get control over that we can't get control over our Federal budget.

That defines, in a very basic statement, exactly the challenge that is before us. It gives us the warning we need to heed, and it should spur us into action.

Let me repeat that statement once again.

Almost all of the long-term deficit and debt that we face relates to the exploding costs of Medicare and Medicaid. Almost all of it. That is the single biggest driver of our Federal debt. And if we don't get control over that we can't get control of our Federal budget.

That statement was made by President Barack Obama. It was not made by a Republican. It was not made by an editorial piece in the Wall Street Journal. It was not made by a tea party leader or advocate. It was made by our current President. Our President has said we cannot sustain what we are doing, and we have to address it or it is going to take down our whole budget.

I think that is true—it has been backed up by analysts who have looked at this whole situation, left, right, non-political, political, whatever. Why then are we not going forward with addressing this very question? That is what people sent us here to do in 2010. That is what they are asking us to do now. Yet we are acting as if this statement by the President of the United States has nothing to do with what we need to do, that we can simply ignore this and go forward and just cut a little here and cut a little there but we can't touch the entitlements—we can't touch Medicare.

The papers are full today with headlines saying that the results of the New York special congressional race was because the people have been scared—well, they didn't say "scared," but that it was people saying "don't cut our Medicare." What it should have said is, those people who are saying "don't cut our Medicare" are basically saying "keep mine going until this thing runs out. I am afraid I might live too long, and then I won't have benefits at the end." But for sure our kids won't have it, for sure our grandchildren won't have it because at its current rate, as the President of the United States has acknowledged, it is unsustainable.

So we have two options here. We can continue with the status quo—we can quibble over how much to cut from our

discretionary spending, or that portion of the budget which we have control of—and continue ignoring the entitlement programs or we can make a commitment and have the political will to fulfill that commitment by saving those programs through some sound restructuring. This does not mean current recipients of Medicare are going to be knee-capped or have their benefits dropped. This does not mean that even those nearing retirement are going to face that prospect. What it does mean is, if we don't put the structural reforms in now to address the future problems, we are going to lose the whole program. The gravest threat to Medicare is doing nothing. If we do nothing, not only will Medicare collapse but so will our fiscal house.

In the papers today, a former President—another Democrat, Bill Clinton—has urged his fellow Democrats not to "tippy-toe around" Medicare. Continuing that quote, he said the program "is part of a whole health-care system that has a toxic effect on inflation." He went on to say, "We've got to deal with these things."

Mr. President, I am here not to criticize the Democrats for putting us in this situation. I think we all bear some responsibility. The country does not want us to point fingers at each other, and they do not want us to use this as a political advantage for the 2012 election. They want us to do the right thing, which they all know needs to be done, and I believe they will reward us and recognize us for at least having the courage to step forward and address a real problem that I think everyone now understands and recognizes.

So whether it is the Paul Ryan plan coming out of the House, whether it is a Democratic budget plan coming out of the Budget Committee, whether it is some other plan coming out between the negotiations that are going on—or should go on—between the executive branch and the congressional branch, this is something we have to do. We have simply got to put aside our partisanship and concerns and worry about the 2012 elections and rise above politics. We did that in 1983 when we restructured Social Security. We had a Republican President, a Democratic House leader, and members of the Democratic congressional committee and Senate committee—the political people—all stood together and said: This rises above the election. It is too important not to address it.

We can just take this one issue and say: Let's take this out of politics. Let's stand together as Republicans and Democrats, along with the President, and do what is right for the country.

The bottom line is that no matter what we do here, if the President doesn't support us in this effort, it will not succeed. He has the veto pen, and he has the ability to lead or not lead. So I guess, as I have before, I am calling on the President and saying this important issue can only be successful

if he will engage and lead us and be part of this effort to solve a problem that affects every living American and those yet to be born in this country. It dramatically affects our future but sooner than any of us, I believe, think. It affects our economy and our ability to grow.

All of this has to be coupled with pro-growth policies. We can't cut our way out of all this. We can help restructure, we can help make cuts where necessary, and we can help our economy grow by putting policies in place that will stimulate the economy. That combination, put together in a package, is what we need to support. And I am hoping we will put politics aside for this one issue that is so important to the future of our country.

Mr. President, I have probably said more than I needed to say at this particular point in time. I appreciate the opportunity and again thank the Senator from North Dakota for agreeing to let me go forward here. As chairman of the Budget Committee, I know he is fully cognizant and aware of these issues and is working to try to address them also. I hope we can work together to find a solution to this very urgent problem.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I want to thank the Senator from Indiana for his thoughtful presentation. There are parts of it with which I disagree, but the overall theme of what he has said is undeniably true.

I believe our country is in deep trouble. At the end of this year, we will have a debt that is 100 percent of the gross domestic product of the United States. We have had two of the leading economists in this country tell us, after a review of 200 years of economic history, that when a country reaches a gross debt of more than 90 percent of its GDP, its future economic prospects are diminished. And that is where we are. So I agree with the Senator from Indiana that this is the time. We must find a way to come together to craft a plan that deals with this debt threat.

Five years ago, the ranking Republican on the Budget Committee, Senator Gregg, and I came up with the concept of a commission. That effort led to the commission that was in place last year, and it came up with a recommendation to reduce the debt \$4 trillion over the next 10 years, and 11 of 18 commissioners supported it. Senator Gregg and I both supported it. We had five Democrats, five Republicans, and one Independent. That is the only bipartisan plan that has emerged from anywhere. But we needed 14 of 18 to agree for it to come to a vote in Congress.

There were many parts of that plan I didn't like. I would have gone further than that plan. I proposed to the commission that we have a \$6 trillion plan of debt reduction because we could balance the budget in 10 years with that

kind of plan. But it was a step in the right direction. It was a big step in the right direction. So I supported it, along with the other 10 commissioners who did.

I want to say to the Senator from Indiana that I respect the presentation he just made because, in larger terms, it says what has to be said. We all have to be truth-tellers. However uncomfortable the truth is, we have to be truth-tellers. I believe the truth is that when the revenue is the lowest it has been in 60 years as a share of GDP and spending is the highest it has been in 60 years as a share of GDP, we have to work both sides of the equation. We are going to have to cut spending, and I believe we are going to have to raise revenue.

None of it is very popular. If you ask the American people, they will say to you: Well, yes, get the deficit and debt under control, but don't touch Social Security, don't touch Medicare, and don't touch defense. And by the way, just those three are about 80 percent of Federal spending if you add up all the mandatory programs and add up defense. That is about 80 percent of Federal spending. And if you ask the American people, they say: Don't touch any of them. On the revenue side, they say: Don't touch that. Well, do you know what is left? Twenty percent of Federal spending.

If you start asking them questions about the elements of that 20 percent, they reject every one except one—foreign aid. They say: Yes, cut foreign aid. A majority supports that. The problem is that is only 1 percent of the budget. Here we are borrowing 40 cents of every dollar we spend, and even if we eliminate all foreign aid, it does not make a material difference.

The other thing the American people support by a majority—the only other thing—is taxing the wealthy. Let me just say that I believe the wealthy are going to have to pay somewhat more. But that won't solve our problem because to solve the problem, you would have to have a top rate of 70 to 80 percent on corporations and individuals. What would that do to the competitive position of the United States?

So I believe we all are going to have to be truth-tellers, and before we are done, we are going to have to find a way to come together. I was part of that effort on the commission. I was part of that effort in this group of six, which is now a group of five because one of our members left. And there is this other effort under way that is a leadership effort with the White House being involved. At the end of the day, the White House has to be at the table.

What Senator Gregg and I had recommended was that the Secretary of the Treasury be the chairman of the commission and the head of OMB be one of the 18 members. That wasn't adopted by the Congress. We got 53 votes in the Senate for our proposal, but 53 votes doesn't pass things around here. You have to have 60. You have to have a supermajority. So here we are.

Let me just say again that I thank the Senator for his thoughtful presentation because that is what it is going to take. We are going to have to be brave. We are going to have to show some political courage here to do what is right for our country. So I appreciate the thoughtful remarks of the Senator from Indiana.

Let me make a brief review in response to some of what I have heard this morning because I have heard some things with which I strenuously disagree that I believe require a response. We all agree we are on an unsustainable path. We are borrowing 40 cents of every dollar. That cannot be continued.

As I indicated earlier, this is a 60-year look at the spending and revenue of the United States. We can see the spending line is the red line; the green line is the revenue line. The spending of the United States as a share of national income is the highest it has been in 60 years. The revenue is the lowest it has been in 60 years.

Some of our colleagues say it is just a spending problem. Factually, I reject that. The facts show it is not just a spending problem—although it is clear we do have a spending problem. When spending is the highest it has been in 60 years, clearly we have a spending problem. But as this chart reveals, revenue is the lowest it has been in 60 years. So, clearly, we have a revenue problem as well.

Yesterday we voted on the package that came from the House of Representatives. The package that came from the House Budget Committee was passed by the House of Representatives. Even though that package was defeated overwhelmingly and on a bipartisan basis here yesterday, again this morning we had colleagues come and talk about what a great package it was. I do not believe it was a great package. I think it was a terrible package, and here is why—and now I am quoting former economic adviser to President Reagan, one of President Reagan's economic advisers, Mr. Bartlett. He said, about the House Republican plan, the following:

Distributionally, the Ryan plan is a monstrosity. The rich would receive huge tax cuts while the social safety net would be shredded to pay for them. Even as an opening bid to begin budget negotiations with the Democrats, the Ryan plan cannot be taken seriously. It is less of a wish list than a fairytale utterly disconnected from the real world, backed up by make-believe numbers and unreasonable assumptions. Ryan's plan isn't even an act of courage; it's just pandering to the tea party. A real act of courage would have been for him to admit, as all serious budget analysts know, that revenues will have to rise well above 19 percent of GDP to stabilize the debt.

This is a former economic adviser to President Reagan commenting on the House Republican plan that we rejected on a bipartisan basis here yesterday.

Why does he say it is a monstrosity? He says it because even though revenue is the lowest it has been in 60 years,

the first thing the Republican budget from the House did was cut taxes further, an overwhelming tax cut for the wealthiest among us after they already enjoyed very significant tax reductions over the last decade.

In fact, the plan that came from the Republican House would have given those who have over \$1 million of income a year on average a tax cut of over \$192,000. For those who are as fortunate as to earn over \$10 million a year, the plan they sent over here would have given them on average a tax cut of \$1,450,000. That is a fact. That is just a fact.

Does that make any sense at all when the revenue of this country is the lowest it has been in 60 years, that the first thing you do is dig the hole deeper, give another \$1 trillion of tax cuts going to the wealthiest among us? It makes no sense.

It did not end there because the plan from the House also would permit a scam that is occurring to continue. The scam I am referring to relates to this little building down in the Cayman Islands, Uglan House. This little five-story building down in the Cayman Islands claims to be the home of 18,857 companies. Really, 18,000 companies are doing business out of this little five-story building down in the Cayman Islands? Please. Mr. President, 18,000 companies are not doing business out of this little five-story building down in the Cayman Islands. The only business that is going on is monkey business, and the monkey business that is going on is avoiding the taxes they legitimately owe to the United States.

You wonder why big companies making billions of dollars a year can announce they owed no taxes to the United States—none? It is because they are operating out of Uglan House down in the Cayman Islands where there are no taxes, and they show their profits in their companies down in the Cayman Islands.

When I was tax commissioner in my State I found a company that reported all of their earnings down in the Cayman Islands. They did business all across the country, but amazingly enough none of those companies showed any profits in the United States. They showed all their profits in the Cayman Islands where, happily, there are no taxes.

The Republican budget plan said: That is fine. Keep doing it.

That is not fine. It is not fair. We know from our own Permanent Committee on Investigations in the Senate that these offshore tax havens are proliferating. Here is a quote from our Senate Homeland Security and Governmental Affairs Permanent Subcommittee on Investigations:

Experts have estimated that the total loss to the Treasury from offshore tax evasion alone approaches \$100 billion per year, including \$40 to \$70 billion from individuals and another \$30 billion from corporations engaging in offshore tax evasion. Abusive tax shelters add tens of billions of dollars more.

The Republican plan from the House says: No problem. Keep on doing it. In

fact, we will go you one more. We will give you more tax cuts for the wealthiest among us.

I tell you, that plan cannot stand scrutiny. At the same time it says: You know, because we have the lowest revenue in 60 years, and because we are going to give even more tax preferences, more tax credits, more tax schemes to the wealthiest among us, we are not going to be able to keep Medicare.

I have heard colleagues say that these Draconian cuts to Medicare that are in the House plan are a way of saving Medicare. You don't save Medicare by destroying it. That is what the House plan does, make no mistake. It ends Medicare as we know it. Why do I say that? Let me just show you what it does.

Right now, under traditional Medicare, the individual pays 25 percent of their health care costs. That is how it works today. You pay about 25 percent. A senior citizen eligible for Medicare pays about 25 percent of their costs. Under the House Republican budget plan that they passed and sent to the Senate that we defeated yesterday by a bipartisan vote, they would increase what the individual pays from 25 percent to 68 percent, and they claim they are saving Medicare. It doesn't look to me like they are saving it. It looks to me like they are completely undoing it.

When we add it all up, what is most striking is that the House Republican plan, although it gives massive tax cuts to the wealthiest among us, another \$1 trillion of tax cuts, even though it shreds Medicare and completely undermines Medicaid, which would mean another 34 million people do not have health care coverage in this country because they completely undo the coverage for health care passed last year so 34 million people are not going to have health care as a result of their plan—even with all of that and the other dramatic cuts—by the way, they cut support for energy programs to reduce our dependence on foreign energy, they cut that 57 percent; they cut education almost 20 percent—even after all that you would think at least they got the debt under control? No.

Amazingly enough their plan, according to their own numbers, would add \$8 trillion to the debt. Wow. They shred Medicare, they cut education dramatically, they cut almost 60 percent of the funding for energy to reduce our dependence on foreign energy—they cut that 57 percent, and they still add \$8 trillion to the debt. That is a good plan? I don't think so. I don't think that is a plan that can stand much scrutiny.

We also heard a lot of complaints from the other side that we have not gone to markup on the budget in the Senate. That is true. The reason we have not is because something is going on in this town that is very unusual. There are high-level bipartisan talks

going on with the White House on what the budget plan should be to deal with our debt. This is something I have encouraged for years.

This year I have repeatedly called for a summit to deal with our debt, to get a plan in place to cut spending, and, yes, to raise revenue—hopefully without raising taxes but by eliminating tax expenditures, tax loopholes, this kind of scam we have just talked about of offshore tax havens and abusive tax shelters. That bipartisan leadership effort that is underway deserves a chance to succeed. If they reach a conclusion, they may need a budget resolution. They may need us to have a markup in the Budget Committee to implement their plan.

Some do not want to wait, they do not want a bipartisan agreement. But we simply must have a bipartisan agreement if there is to be any chance for success.

The House is controlled by the Republicans. The Senate is controlled by the Democrats. There is a Democrat in the White House. The only possible way that a plan is actually passed into law and implemented is if we work together. I did it for all last year on the President's commission. I have done it for months of this year with three Democrats, three Republicans, spending hundreds of hours trying to come up with a bipartisan plan to implement the recommendations of the committee. So I don't take a back seat to anybody with respect to being serious about trying to get a plan to get our debt under control because it is a fundamental threat to the economic security of the United States.

But here is what the Republican leader himself said about the effort that is underway, the bipartisan leadership effort:

[T]he discussions that can lead to a result between now and August are the talks being led by Vice President Biden . . . that's a process that could lead to a result, a measurable result. . . . And in that meeting is the only Democrat who can sign a bill into law; in fact, the only American out of 307 million of us who can sign a bill into law. He is in those discussions. That will lead to a result. That is why we have not gone to a budget markup, because we have the patience to wait for the outcome of these bipartisan leadership talks. The top Republicans are represented in the Senate, the top Republicans in the House are represented, as are the Democrats in the Senate and the House, led by the White House.

The Republican leader said this as well about the talks:

We now have the most important Democrat in America at the table. That's important. He is the only one of the 307 million of us who can actually sign a bill into law. And I think that's a step in the right direction. And the Biden group is the group that can actually reach a decision on a bipartisan basis. And if it reaches a decision, obviously we will be recommending it to our members.

That is the point. Why would we go to a partisan budget markup and refuse to wait for the leadership negotiation that is underway to succeed, when we know if they do succeed in all likelihood they will need us to do a budget

markup to implement what they decide?

I have the patience. I have spent 5 years working, first, with Senator Gregg, the ranking Republican on the Budget Committee, then with all 18 members of the fiscal commission, now with the group of six—three Democrats and three Republicans—trying to put together a plan to implement what the commission recommended to get our debt under control.

I have the patience to wait a few more weeks to see if the combined leadership of this country, Republican and Democrat, working with the President of the United States, can come up with a plan to get our debt under control. We should all have that patience. We should all hope they succeed. But we are not going to be sitting and waiting. While we are hoping for a successful outcome, this Senator will continue to work with Republicans and Democrats to come up with a bipartisan plan to meet our debt threat. All of us have that obligation. All of us have that responsibility.

I thank the Chair and yield the floor. The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Would the Chair inform me when I have spoken for 5 minutes.

The PRESIDING OFFICER. The Senator will be notified.

FREE TRADE

Mr. GRASSLEY. Mr. President, I have been a long-time supporter of free trade. I believe it is always a good thing when American businesses, manufacturers, and farmers have more market access for their products.

I have also been a longtime supporter of specific free trade agreements that are waiting to be acted on by the Congress: the South Korea, Colombia, and Panama agreements. We have had too many years of talking about being long-time supporters of free trade agreements. Yet we have not had an opportunity to back up our talk with votes because we can't vote until the President presents them to Congress.

The time to present these free trade agreements is long overdue. The administration needs to stop moving the goal posts every time we are about to kick the ball through.

Take the Panama agreement as an example. The United States and Panama reached an agreement in principle in December of 2006. However, congressional Democrats expressed concern regarding certain labor issues that existed in Panama at the time. The Bush administration negotiated a deal with the congressional Democrats who had newly taken over the Congress in an agreement that was announced on May 10, 2007. As a result, then-President Bush addressed the labor issues in the trade agreement that the United States signed with Panama in late June of 2007.

If there were a big news conference on May 10, 2007 that there has been an agreement reached, wouldn't one think

these agreements would be passed by now? Not so 4 years later.

Despite the fact that the demands made by congressional Democrats were incorporated in the signed trade deal, congressional Democrats would not allow a vote on the agreement. Instead, they moved the goal posts by demanding more changes be made by the Panamanian Government.

After President Obama took office, the trade issue was sidelined. Along with others, I made a case that trade agreements needed to be a part of America's economic recovery effort. I got an opportunity to make the case directly to the President in December of 2009. Then in January 2010, the President said in a message to Congress that he wanted to double exports within the next 5 years. That is a very worthy goal.

Well, it is pretty hard to double exports and help employers create jobs while ignoring these trade agreements. Supporters of free trade and the jobs supported by trade average about 15 percent above the national average. We are talking about good jobs, so there are reasons to keep the pressure on.

Finally, after many months of waiting, the trade ambassador went back to work to get the Panamanian Government to agree to meet the additional demands set out by congressional Democrats in the Obama administration. The ambassador also set out to gain further commitment from South Korea and Colombia.

The Panamanian Government has addressed the additional demands by making the necessary amendments to their laws. The additional concerns the administration had with the South Korean and Colombian deals were addressed as well. Earlier this May, Ambassador Kirk indicated all three trade agreements were ready for Congress to consider. But the Obama administration decided to move the goal posts once again. Instead of moving these agreements forward for swift approval to help the economy move along and the swift approval which I believe they will receive when they get a vote, the administration now has another requirement: approval of trade adjustment assistance.

While U.S. manufacturers and businesses and farmers risk losing more and more market share in these countries, Democrats keep coming up with reasons for holding up these trade agreements by moving the goal posts. There is simply no reason to keep on moving the goal posts. The administration has said these three trade agreements are ready. One of the best things we can do right now for U.S. businesses, farmers, and workers is to implement these trade agreements which will give a much-needed boost to our economy.

I am not suggesting we do nothing on trade adjustment assistance, because I support that 40-year-old program, but reaching an agreement on that program should not be used as another ex-

cuse for moving the goal posts. All three of the pending trade agreements need to be sent to Congress without further delay.

I yield back the remainder of my time, and I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Oregon.

Mr. WYDEN. Mr. President, the Senate is preparing to pass another 4-year extension of the USA PATRIOT Act. I have served on the Intelligence Committee for over a decade and I wish to deliver a warning this afternoon. When the American people find out how their government has secretly interpreted the PATRIOT Act, they are going to be stunned and they are going to be angry. They are going to ask Senators: Did you know what this law actually permits? Why didn't you know before you voted on it? The fact is anyone can read the plain text of the PATRIOT Act. Yet many Members of Congress have no idea how the law is being secretly interpreted by the executive branch because that interpretation is classified. It is almost as if there are two PATRIOT Acts, and many Members of Congress have not read the one that matters.

Our constituents, of course, are totally in the dark. Members of the public have no access to the secret legal interpretations, so they have no idea what their government believes the law actually means.

I am going to bring up several historical examples to try to demonstrate what this has meant over the years. Before I begin, I wish to be clear I am not claiming any of the specific activities I discuss today are happening now. I am bringing them up because I believe they are a reminder of how the American people react when they learn about domestic surveillance activities that are not consistent with what they believe the law allows. When Americans learn about intelligence activities that are consistent with their understanding of the law, they look to the news media, they follow these activities with interest, and often admiration. But when people learn about intelligence activities that are outside the lines of what is generally thought to be the law, the reaction can get negative and get negative in a hurry.

Here is my first example. The CIA was established by the National Security Act of 1947 and the law stated that the agency was "forbidden to have law enforcement powers or internal security functions." Members of the Congress and legal experts interpreted that language as a clear prohibition against any internal security function under any circumstances. A group of CIA officials had a different interpretation. They decided that the 1947 law contained legal gray areas that allowed the CIA to monitor American citizens for possible contact with foreign agents. They believed this meant they could secretly tap Americans' phones, open their mail, and plant listening devices in their homes, among other

things. This secret legal interpretation led the CIA to maintain intelligence files on more than 10,000 American citizens, including reporters, Members of Congress, and a host of antiwar activists.

This small group of CIA officials kept the program and their "gray area" justification to the program a secret from the American people and most of the government because, they argued, revealing it would violate the agency's responsibility to protect intelligence sources and methods from unauthorized disclosure. Did the program stay a secret? It didn't. On December 22, 1974, investigative reporter Seymour Hersh detailed the program on the front pages of the *New York Times*. The revelations and the huge public uproar that ensued led to the formation of the Church Committee. That committee spent nearly 2 years investigating questionable and illegal activity at the CIA. The Church Committee published 14 reports detailing various intelligence abuses which, in addition to illegal domestic surveillance, included programs designed to assassinate foreign leaders. The investigation led to Executive orders reining in the authority of the CIA and the creation of the House and Senate Intelligence Committees.

In 1947, President Harry Truman and his top military and legal advisers secretly approved a program named PROJECT SHAMROCK. PROJECT SHAMROCK authorized the Armed Forces Security Agency and its successor, the NSA, to monitor telegraphs coming in and out of the United States. At the outset of the program, companies were told that government agents would only read "those telegrams related to foreign intelligence targets," but as the program grew, more telegrams were sent and received by Americans and they were read. During the program's 30-year run, the NSA analysts sometimes reviewed as many as 150,000 telegrams a month.

While the Ford administration said it made all pertinent information about PROJECT SHAMROCK available, the Senate Intelligence Committee and the Justice Department had kept the program secret from the public. They argued that public disclosure was both unjustified and dangerous to national security, and it avoided Congress's questions regarding the legality of the program by stating that the telegrams present somewhat different legal questions from those posed by domestic bugging and wiretapping. That program didn't stay secret either.

The newly formed Senate Intelligence Committee ultimately disclosed the PROJECT SHAMROCK program on November 6, 1975, arguing that public disclosure was needed to build support—build support—for a law governing NSA operations. The resulting public uproar led to a congressional investigation. The NSA's termination of PROJECT SHAMROCK and the passage of the Foreign Intelligence Surveil-

lance Act of 1978, which attempted to subject domestic surveillance to a process of warrants and judicial review.

Years later, during the Reagan administration, senior members of the National Security Council secretly sold arms to Iran and used the funds to arm and train Contra militants to topple the Nicaraguan Government. Selling arms to Iran violated the official U.S. arms embargo against Iran and directly funding the Contras was illegal under the Boland amendment. That was the one Congress passed to limit U.S. Government assistance to the Contras.

But the officials at the National Security Council were convinced they knew better. They were convinced that violating the embargo and illegally supporting the Contra rebels would help free American hostages and help fight communism in Nicaragua. Instead of engaging in a public debate and trying to convince the Congress and the public they were right, they secretly launched an arms program and hid it from the Congress and the American people. How did that work out for them?

The *New York Times* published a story of these activities on November 25, 1987. A joint congressional committee was launched to investigate the Iran Contra affair with televised hearings for over a month. The House Foreign Affairs Committee and the House and Senate Intelligence Committees held their own hearings. The first Presidential commission investigating the National Security Council was launched. Multiple reports were published documenting the administration's illegal activities, and the Nicaraguan Government sued the United States. Dozens of court cases were filed and National Security Council officials—including two National Security Advisers—faced multiple indictments.

Finally, following the terrorist attacks of September 11, 2001, a handful of government officials made the unilateral judgment that following U.S. surveillance law, as it was commonly understood, would slow down the government's ability to track suspected terrorists. Instead of working with the Congress, instead of coming to the Congress and asking to revise or update the law, these officials secretly reinterpreted the law to justify a warrantless wiretapping program that they hid from virtually every Member of the Congress and the American people.

It is not clear how long they thought they could hide a large, controversial national security program of this nature, but they kept it so secret that even when it yielded useful intelligence, classification restrictions sometimes prevented the information from being shared with officials who could have used it.

I was a member of the Senate Intelligence Committee at this point—a relatively new member—but the program and the legal interpretations that supported it were kept secret from me and virtually all of my colleagues.

Again, did that program stay secret? The answer is no. After several years, the *New York Times* published a story uncovering the program. The resulting public uproar led to a divisive congressional debate and a significant number of lawsuits. In my view, the disclosure also led to an erosion of public trust that made many private companies more reluctant to cooperate with government inquiries.

As most of my colleagues will remember, Congress and the executive branch spent years trying to sort out the details of that particular program and the secret legal interpretation—the secret legal interpretation—that was used to justify it. In the process of doing so, Congress also attempted to address an actual surveillance issue. I think all my colleagues who were here for that debate would agree those issues could have been resolved far more easily, far less contentiously, if the Bush administration had simply come to the Congress in the first place and tried to work out a bipartisan solution to them rather than, in effect, trying to rewrite the law in secret.

When laws are secretly reinterpreted this way, the results frequently fail to stand up to public scrutiny. It is not surprising, if you think about it. The American law-making process is often cumbersome, it is often frustrating, and it is certainly contentious. But over the long run, this process is a pretty good way to ensure that our laws have the support of the American people, since those that do not will actually get revised or repealed by elected lawmakers who follow the will of our constituents. On the other hand, when laws are secretly reinterpreted behind closed doors by a small number of government officials—and there is no public scrutiny, no public debate—you are certainly more likely to end up with interpretations of the law that go well beyond the boundaries of what the American people are willing to accept.

Let me make clear that I think it is entirely legitimate for government agencies to keep some information secret. In a democratic society, of course, citizens rightly expect their government will not arbitrarily keep information from them, and throughout our Nation's history Americans have vigilantly guaranteed their right to know. But Americans do acknowledge certain limited exceptions to the principle of openness. We know, for example, that tax officials have information about all of us from our tax returns. But the government does not have the right or the need to share this information openly. This is essentially an exception to protect personal privacy.

Another limited exception exists for the protection of national security. The U.S. Government has an inherent responsibility to protect our people from threats. To do this effectively, it almost always requires some measure of secrecy. I do not expect General Petraeus to publicly discuss the details of every troop movement in Afghanistan any more than early Americans

expected George Washington to publish his strategy for the Battle of Yorktown. By the same token, American citizens recognize that their government may sometimes rely on secret intelligence collection methods in order to ensure national security, in order to ensure the safety of the American people, and they recognize that these methods can often be more effective when specifics are kept secret.

But while Americans recognize that government agencies sometimes rely on secret sources and methods to collect intelligence information, Americans also expect these agencies will cooperate at all times within the boundaries of publicly understood law.

I have served on the Senate Intelligence Committee for a decade, and I do not take a backseat to anybody when it comes to protecting what are essential sources and methods that are needed to keep the American people safe when intelligence is being gathered. But I do not believe the law should ever be kept secret. Voters have a right and a need to know what the law says and what their government thinks the text of the law means. That is essential so the American people can decide whether the law is appropriately written and they are in a position to ratify or reject the decisions their elected officials make on their behalf.

When it comes to most government functions, the public can directly observe the government's actions and the typical citizens can decide for themselves whether they support or agree with the things their government is doing. Certainly, in my part of the world, American citizens can visit the national forests and decide whether they think the forests are appropriately managed. When they drive on the interstate, they can decide for themselves whether those highways have been properly laid out and adequately maintained. If they see someone punished, they can decide for themselves whether the sentence was appropriate, whether it was too harsh or too lenient.

But Americans generally cannot decide for themselves whether intelligence agencies are operating within the law. That is why the U.S. intelligence community evolved over the past several decades. The Congress set up a number of watchdog and oversight mechanisms to ensure that the intelligence agencies follow the law rather than violate it. That is why the Senate and House each have a Select Intelligence Committee. It is also why the Congress created the Foreign Intelligence Surveillance Court. It is why Congress created a number of statutory inspectors general to act as independent watchdogs inside the intelligence agencies themselves. All these oversight entities were created at least in part to ensure that intelligence agencies carry out all their activities within the boundaries of publicly understood law.

But the law itself must always be public. Government officials must not

be allowed to fall into the trap of secretly reinterpreting the law in a way that creates a gap between what the public believes the law says and what the government secretly claims it says. Anytime that happens, it seems to me there is going to be a violation of the public trust. Furthermore, allowing a gap of this nature to develop is simply shortsighted. Both history and logic should make it clear—and that is why I brought these examples to the floor of the Senate—that secret interpretations of the law will not stay secret forever and, in fact, often come to light pretty quickly. When the public eventually finds out that government agencies have been rewriting surveillance laws in secret, the result, as I have demonstrated, is invariably a backlash and an erosion of public confidence in these government agencies.

I believe this is a big and growing problem.

Our intelligence and national security agencies are staffed by many talented and dedicated men and women. The work they do is very important, and for the most part, they are extraordinarily professional. But when members of the public lose confidence in these agencies, it does not just undercut morale, it makes it harder for these agencies to do their jobs. If you ask the head of any intelligence agency, particularly an agency that is involved in domestic surveillance in any kind of way, he or she will tell you that public trust is the coin of the realm, it is a vital commodity, and voluntary cooperation from law-abiding Americans is critical to the effectiveness of our intelligence agencies.

If members of the public lose confidence in these government agencies because they think government officials are rewriting surveillance laws in secret, it is going to make those agencies less effective. As a member of the Intelligence Committee, I do not want to see that happen.

I wish to wrap up now with one last comment; that is, as you look at these statutes, and particularly the ones I have outlined—where you have so many hard-working lawyers and officials at these government agencies—I wish to make it clear I do not believe these officials have a malicious intent. They are working hard to protect intelligence sources and methods and for good reason. But sometimes they can lose sight of the differences between the sources and methods, which must be kept secret, and the law itself, which should not. Sometimes they even go so far as to argue that keeping their interpretation of the law secret is actually necessary because it prevents our Nation's adversaries from figuring out what our intelligence agencies are allowed to do.

I can see how it might be tempting to latch onto this "Alice in Wonderland" logic. But if the U.S. Government were to actually adopt it, then all our surveillance laws would be kept secret because that would, obviously, be even

more useful. When Congress passed the Foreign Intelligence Surveillance Act in 1978, it would have been useful to keep that law secret from the KGB so Soviet agents would not know whether the FBI was allowed to track them. But American laws should not be public only when government officials think it is convenient. They ought to be public and public all the time. The American people ought to be able to find out what their government thinks those laws mean.

Earlier this week, I filed an amendment, along with my colleague from the Intelligence Committee, Senator MARK UDALL, and that amendment would require the Attorney General to publicly disclose the U.S. Government's official interpretation of the USA PATRIOT Act. The amendment specifically states that the Attorney General should not describe any particular intelligence collection programs or activities but that there should be a full description of "the legal interpretation and analysis necessary to understand the . . . Government's official interpretation" of the law.

This morning, Senator MARK UDALL and I—and we had the help of several colleagues: Senator MERKLEY, Senator TOM UDALL—reached an agreement with the chair of the Intelligence Committee, Senator FEINSTEIN. She is going to be holding hearings on this issue next month.

Senator MARK UDALL and I, as members of the committee, will be in a position to go into those hearings and the subsequent deliberations to try to amend the intelligence authorization. If we do not get results inside the committee, because of the agreement today with the distinguished chair of the Intelligence Committee, Senator FEINSTEIN, and the majority leader, Senator REID, we will be in a position to come back to this floor and offer our original amendment this fall.

We are going to keep fighting for openness and honesty. As of today, the government's official interpretation of the law is still secret—still secret—and I believe there is a growing gap, as of this afternoon, between what the public believes that law says and the secret interpretation of the Justice Department.

So I plan to vote no this afternoon on this legislation because I said some time ago that a long-term reauthorization of this legislation did require significant reforms. I believe when more Members of Congress and the American people come to understand how the PATRIOT Act has actually been interpreted in secret, I think the number of Americans who support significant reform and the end of secret law—the end of law that is kept secret from them by design—I think we will see Americans joining us in this cause to ensure that in the days ahead, as we protect our country from the dangerous threats we face, we are also doing a better job of being sensitive to individual liberty.

Those philosophies, those critical principles are what this country is all about. And we are going to stay at it, Senator UDALL and I and others, until those changes are secured.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I rise today in conjunction with my colleague from Oregon to discuss what is before us here on the floor, which is the extension of the PATRIOT Act.

I rise as well to express my opposition to the extension of the three most controversial provisions in the PATRIOT Act which are before us here today. The process by which we have considered these provisions has been rushed. I believe we have done a disservice to the American people by not having a fuller and more open debate about these provisions.

Along with Senator WYDEN, I want to acknowledge the difficult position the leader of the Senate, Senator REID, has been in. I want to thank him for trying to find an agreement to vote on more amendments. We were very close to reaching that agreement, but even in that context, the debate we have had on this bill has been insufficient.

If you look at what we are about to approve, it is a one-page bill which just changes the dates in the existing PATRIOT Act. This is a lost opportunity.

As a member of the Intelligence Committee, I can tell you that what most people—including many Members of Congress—believe the PATRIOT Act allows the government to do—and what it allows the government to do—what government officials privately believe the PATRIOT Act allows them to do are two different things. Senator WYDEN has been making that case. I want to make it as well.

I cannot support the extension of the provisions we are considering today without amendments to ensure there is a check on executive branch authority. I do not believe the Coloradans who sent me here to represent them would accept this extension either. Americans would be alarmed if they knew how this law is being carried out.

I appreciate the Intelligence Committee chairwoman, DIANNE FEINSTEIN, working with us to hold hearings in the committee to examine how the administration is interpreting the law. I believe that is a critical step forward. However, that addresses only the overarching concern. I still have concerns about the individual provisions we are considering today.

We just voted to invoke cloture to cut off debate on the 4-year extension of provisions that give the government wide-ranging authority to conduct wiretaps on groups and individuals or collect private citizens' records. I voted no because the debate should not be over without a real chance to improve these authorities. I recently supported a 3-month extension so the Senate could take time to debate and

amend the PATRIOT Act. We were promised that debate, but that opportunity is literally slipping through our hands. I would like to stay here and continue making the case to the American people that this bill should and could be improved.

While a number of PATRIOT Act provisions are permanent and remain in place to give our intelligence community important tools to fight terrorism, the three controversial provisions we are debating, commonly known as roving wiretap, "lone wolf," and business records, are ripe for abuse and threaten Americans' constitutional freedoms.

I know we must balance the principles of liberty and security. I firmly believe terrorism is a serious threat to the United States, and we must be sharply focused on protecting the American people. In fact, with my seats on the Senate Armed Services Committee and the Senate Intelligence Committee, much of my attention is centered on keeping Americans safe both here and abroad. I also recognize that despite Osama bin Laden's death, we still live in a world where terrorism is a serious threat to our country, our economy, and to American lives. Our government does need the appropriate surveillance and antiterrorism tools to achieve these important goals. However, we need to and we can strike a better balance between protecting our national security and the constitutional freedoms of our people. Let me give you an example. This debate has failed to recognize that the current surveillance programs need improved public oversight and accountability.

I know Americans believe we ought to only use PATRIOT Act powers to investigate terrorists or espionage-related targets. Yet section 215 of the PATRIOT Act, the so-called business records provision, currently allows records to be collected on law-abiding Americans without any connection to terrorism or espionage. If we cannot limit investigations to terrorism or other nefarious activities, where do they end?

Coloradans are demanding that in addition to the review of the Foreign Intelligence Surveillance Court, we place commonsense limits on government investigations and link data collection to terrorist or espionage-related activities. If—or I should say when—Congress passes this bill to extend the PATRIOT Act until 2015, it will mean that for 4 more years the Federal Government will have access to private information about Americans who have no connection to terrorism without sufficient accountability and without real public awareness about how these powers are used.

Again, I underline that we all agree the intelligence community needs effective tools to combat terrorism, but we must provide these tools in a way that protects the constitutional freedoms of our people and lives up to the standard of transparency that democracy demands.

Again, as a member of the Intelligence Committee, while I cannot say how this authority is being used, I believe it is ripe for potential abuse and must be improved to protect the constitutionally protected privacy rights of individual innocent American citizens. Toward that goal, I have worked with my colleagues to come up with commonsense fixes that can receive bipartisan support. For example, Senator WYDEN and I filed an amendment that would require the Department of Justice to disclose the official legal interpretation of the provisions of the PATRIOT Act. This would make sure the Federal Government is only using those powers in ways the American people believe they are authorizing them to.

While I believe our intelligence practices should be kept secret, I do not believe the government's official interpretation of these laws should be kept secret. This is an important part of our oversight duties, and I look forward to working with Chairwoman FEINSTEIN in the Intelligence Committee to ensure this oversight occurs.

I have also filed my own amendments to address some of the problems I see with the roving wiretap, "lone wolf," and business record provisions. For example, I joined Senator WYDEN in filing an amendment designed to narrow the scope of the business records materials that can be collected under section 215 of the PATRIOT Act. And I just highlighted some of the problems with that provision. Our amendment would still allow enforcement agencies to use the PATRIOT Act to obtain investigation records, but it would also require those entities to demonstrate that the records are in some way connected to terrorism or clandestine intelligence activities.

Today, law enforcement currently can obtain any kind of records. In fact, the PATRIOT Act's only limitation states that such information has to be related to "any tangible thing." That is right. As long as these business records are related to any tangible thing, the U.S. Government can require businesses to turn over information on their customers, whether or not there is a link to terrorism or espionage. I have to say that I just do not think it is unreasonable to ask that our law enforcement agencies identify a terrorism or espionage investigation before collecting the private information of law-abiding American citizens.

These amendments represent but a few of the reform ideas we could have debated this week. But without further debate on these issues, this or any other administration, whether intentionally or unintentionally, can abuse the PATRIOT Act. And because of the need to keep classified material classified, Congress cannot publicly fulfill our oversight responsibilities on behalf of the American people.

So, as I started out my remarks, I plan to vote against the reauthorization of these three expiring provisions

because we fail to implement any reforms that would sensibly restrain these overbroad provisions. In the nearly 10 years since Congress passed the PATRIOT Act, there has been very little opportunity to improve this law, and I, for one, am very disappointed that we are once again being rushed into approving policies that threaten the privacy—which, under one definition, is the freedom to be left alone—of the American people. It is a fundamental element and principle of freedom.

The bill that is before us today, in my opinion, does not live up to the balanced standard the Framers of our Constitution envisioned to protect both liberty and security, and I believe it seriously risks the constitutional freedoms of our people. By passing this unamended reauthorization, we are ensuring that Americans will live with the status quo for 4 more long years. I am disappointed and I know that many of our constituents would be disappointed if they were able to understand the implications of our inaction on these troubling issues.

As I close, I just want to say there is a gravitational pull to secrecy that I think we all have as human beings. It is hard to resist it. And the whole point of the checks and balances our Founders put in place was to ensure that power couldn't be consolidated and that power abused, again whether intentionally or unintentionally. We would all like to be king for a day. We all have ideas about how we could make the world a better place. But we know the dangers in giving that much power to one person or one small group of people.

Ben Franklin put it so well. I can't do justice to his remarks and the way he stated them, but to paraphrase him, he said that a society that would trade essential liberty for short-term security deserves neither. And our job as Senators is to ensure that we actually enjoy both of those precious qualities, security and liberty.

This is an important vote today. This is an important undertaking. I know we can, through the leadership of Senator WYDEN and many of us who care deeply about this, ensure that the PATRIOT Act keeps faith with the principles we hold dear.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

Mr. REID. I appreciate everyone's patience. We are working toward the end, but we are not there yet.

I ask unanimous consent that it be in order for Senator PAUL to offer two amendments en bloc and no other

amendments be in order: Amendment No. 363, firearm records, and amendment No. 365, suspicious activity reports; that there be 60 minutes of debate prior to votes in relation to the amendments, with the time equally divided between Senator PAUL and the majority leader or their designees; that neither Paul amendment be divisible; that upon the use or yielding back of time, the majority leader or his designee be recognized for a motion to table; if there are not at least 60 votes in opposition to a motion to table the above amendments, the amendments be withdrawn; further, upon disposition of the two Paul amendments, amendment No. 348 be withdrawn; that all remaining time postcloture be yielded back and the Senate proceed to vote on adoption of the motion to concur in the House amendment to S. 990 with amendment No. 347; that no points of order or motions be in order other than those listed in this agreement and budget points of order and applicable motions to waive.

The PRESIDING OFFICER. Is there objection?

The Senator from Vermont,

Mr. LEAHY. Madam President, reserving the right to object, I ask unanimous consent that the agreement be modified to include the Leahy-Paul amendment with the same time for debate and a vote under the usual procedures.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Madam President, I pounded this unanimous consent request: I would comment to my friend, the chairman of the Judiciary Committee, this amendment he has suggested has bipartisan support. He has worked very hard on this. It is an amendment that we hope sometime the content of which can be fully brought before the American people because it is something that is bipartisan and timely. I would hope we can get consent to include his amendment.

The PRESIDING OFFICER. The minority leader.

Mr. MCCONNELL. I object to the Leahy request.

The PRESIDING OFFICER. Objection is heard.

Is there any remaining objection to the request of the leader?

Mr. LEAHY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator does not have the floor. The leader has the floor.

Mr. REID. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I renew my request.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Madam President, reserving the right to object, I would first ask unanimous consent that an editorial in today's Washington Post in favor of my amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 25, 2011]

A CHANCE TO PUT PROTECTIONS IN THE PATRIOT ACT

Congress appears poised to renew important counterterrorism provisions before they are to expire at the end of the week. That much is welcome. But it is disappointing that lawmakers may extend the Patriot Act measures without additional protections meant to ensure that these robust tools are used appropriately.

The Patriot Act's lone-wolf provision allows law enforcement agents to seek court approval to surveil a non-U.S. citizen believed to be involved in terrorism but who may not have been identified as a member of a foreign group. A second measure allows the government to use roving wiretaps to keep tabs on a suspected foreign agent even if he repeatedly switches cellphone numbers or communication devices, relieving officers of the obligation of going back for court approval every time the suspect changes his means of communication. A third permits the government to obtain a court order to seize "any tangible item" deemed relevant to a national security investigation. All three are scheduled to sunset by midnight Thursday.

House and Senate leaders have struck a preliminary agreement for an extension to June 2015 and may vote on the matter as early as Thursday morning. This agreement was not easy to come by. Several Republican senators originally wanted permanent extensions—a proposition rebuffed by most Democrats and civil liberties groups. In the House, conservative Tea Party members, who worried about handing the federal government too much power, earlier this year bucked a move that would have kept the provisions alive until December. Congressional leaders were forced to piece together short-term approvals to keep the tools from lapsing.

The compromise four-year extension is important because it gives law enforcement agencies certainty about the tools' availability. But the bill would be that much stronger if oversight and auditing requirements originally included in the version from Sen. Patrick J. Leahy (D-Vt.) were permitted to remain. Mr. Leahy's proposal, which won bipartisan approval in the Senate Judiciary Committee, required the attorney general and the Justice Department inspector general to provide periodic reports to congressional overseers to ensure that the tools are being used responsibly. Mr. Leahy has crafted an amendment that includes these protections, but it is unlikely that the Senate leadership will allow its consideration.

At this late hour, it is most important to ensure that the provisions do not lapse, which could happen as a result of a dispute between Senate Majority Leader Harry M. Reid (D-Nev.) and Sen. Rand Paul (R-Ky.) over procedural issues. If time runs out for consideration of the Leahy amendment, Mr. Leahy should offer a stand-alone bill later to make the reporting requirements the law.

Mr. LEAHY. Madam President, further reserving the right to object, I find it extremely difficult—and I have

great respect for Senator PAUL as a cosponsor of my amendment—that one more time we have a case where we could have two amendments on the Republican side and we have one that is cosponsored by both Republicans and Democrats on this side, but we can't go forward with it. We have two amendments that have not gotten any committee hearings. We have one on this side that has been voted on by a bipartisan majority, Republicans and Democrats, twice out of committee, twice on the floor, and that can't go forward.

It is my inclination to object further. I realize the difficulty that would put my friend from Nevada in, so I will not object. But I do feel this ruins the chances to make the PATRIOT Act one that could have had far greater bipartisan support, and we have lost a wonderful chance. But I understand we have to do what the Republicans want in this bill, so I will withdraw my objection.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Madam President, in this editorial to which the chairman of the Judiciary Committee refers, there are four very strong paragraphs indicating why his amendment is important and necessary. But in keeping with the kind of Senator we have in the senior Senator from Vermont—the final paragraph is also quite meaningful and it is meaningful because that is the kind of Senator we have from Vermont by the name of PAT LEAHY. This is the last paragraph:

At this late hour, it is most important to ensure that the provisions do not lapse, which would happen as a result of a dispute between Senate Majority Leader Harry Reid and Senator Rand Paul over procedural issues.

Here is the final sentence, which demonstrates why PAT LEAHY is a friend of the United States and is a legend in the Senate:

If time runs out for consideration of the Leahy amendment, Mr. Leahy should offer a stand-alone bill later to make the reporting requirements the law.

So I appreciate very much Senator LEAHY being his usual team player.

Mr. LEAHY. Madam President, if the Senator would yield for a moment, he referred to that last line that this should be offered as a freestanding bill. I assure the leader it will be offered as a freestanding bill and I hope it is one that, because of bipartisan support, could be brought up at some point for a vote.

Mr. REID. Madam President, this is an extremely important plateau we have reached. It has been very difficult for everyone. But now this bill can go to the President of the United States if these amendments are defeated, which I hope they are. It will go to the President tonight before the deadline of this bill, so this bill will not lapse. Even though the Senator from Kentucky, Mr. PAUL, and I have had some differences, what we have done on this

legislation has at least helped us understand each other, which I appreciate very much, and I appreciate his working with us. It has been most difficult for him and for me.

The PRESIDING OFFICER. Who yields time?

The Senator from Kentucky.

Mr. PAUL. I am pleased today to come to the floor of the Senate to talk about the PATRIOT Act. I am pleased we have cracked open the door that will shed some light on the PATRIOT Act. I wish the door were open wider, the debate broader and more significant, but today we will talk a little bit about the constitutionality of the PATRIOT Act.

I was a cosponsor of Senator LEAHY's amendment, and I think it would have gone many great steps forward to make sure we have surveillance on what our government does. It would have authorized audits by the inspector general to continue to watch over and to make sure government is not invading the rights of private citizens, and I do support that wholeheartedly.

Jefferson said if we had a government of angels, we wouldn't have to care or be concerned about the power that we give to government. Unfortunately, sometimes we don't have angels in charge of our government. Sometimes we can even get a government in charge that would use the power of government in a malicious or malevolent way, to look at the banking records of people they disagree with politically, to look at the religious practices of people they disagree with. So it is important that we are always vigilant, that we are eternally vigilant of the powers of government so they do not grow to such an extent that government could be looking into our private affairs for nefarious reasons.

We have proposed two amendments that we will have votes on today. One of them concerns the second amendment. I think it is very important that we protect the rights of gun owners in our country, not only for hunting but for self-protection, and that the records of those in our country who own guns should be secret. I don't think the government, well intentioned or not well intentioned, should be sifting through millions of records of gun owners. Why? There have been times even in our history in which government has invaded our homes to take things from us. In the 1930s, government came into our households and said give us your gold. Gold was confiscated in this country in 1933. Could there conceivably be a time when government comes into our homes and says, We want your guns?

People say that is absurd. That would never happen. I hope that day never comes. I am not accusing anybody of being in favor of that, but I am worried about a government that is sifting through millions of records without asking: Are you a suspect; without asking, are you in league with foreign terrorists? Are you plotting a violent

overthrow of your government? By all means, if you are, let's look at your records. Let's put you in jail. Let's prosecute you. But let's not sift through hundreds of millions of gun records to find out whether you own a gun. Let's don't leave those data banks in the hands of government where someday those could be abused.

What we are asking for are procedural protections. The Constitution gave us those protections. The second amendment gives us the right to keep and bear arms. The fourth amendment is equally important. It gives us the right to be free of unreasonable search. It gives us the right to say that government must have probable cause. There must be at least some suspicion that one is committing a crime before they come into one's house or before they go into one's records, wherever one's records are. The Constitution doesn't say that one only has protection of records that are in one's house. One should have protection of records that reside in other places. Just because one's Visa record resides with a Visa company doesn't make it any less private. If we look at a person's Visa bill, we can find out all kinds of things about them. If we look at a person's Visa bill, we can find out what doctors they go to; do they go to a psychiatrist; do they have mental illness; what type of medications do they take.

If someone looked at my Visa bill, they could tell what type of books or magazines I read. One of the provisions of the PATRIOT Act is called the library provision. They can look at the books someone checks out in the library. People say, well, still, a judge has to sign these warrants. But we changed the standard. The standard of the fourth amendment was probable cause. They had to argue, or at least convince a judge, that you were a suspect, that you were doing something wrong. Now the cause or the standard has been changed to relevance. So it could be that you went to a party with someone who was from Palestine who gives money to some group in Palestine that may well be a terrorist group. But the thing is, because I went to a party with them, because I know that person, am I now somehow connected enough to be relevant? They would say, Well, your government would never do that. They would never go to investigate people. The problem is, this is all secret. So I do not know if I have been investigated. My Visa bill sometimes has been \$5,000. Sometimes we pay for them over the phone, which is a wire transfer. Have I been investigated by my government? I do not know. It is secret.

What I want is protection. I want to capture terrorists, sure. If terrorists are moving machine guns and weapons in our country, international terrorists, by all means, let's go after them. But the worst people, the people we want to lock up forever—the people all of us universally agree about: people who commit murder, people who commit rape—we want to lock them up and

throw away the book, and I am all with you. But we still have the protections of the fourth amendment.

If someone is running around in the streets of Washington tonight—at 4 in the morning—and we think they may have murdered someone, we will call a judge, and we will get a warrant. Just because we believe in procedural protections, just because we believe in the Constitution does not mean we do not want to capture terrorists. We just want to have some rules.

I will give you an analogy. Right now, you have been to the airport. Most of America has been to the airport at some point in time in the last year or two. Millions of people fly every day. But we are taking this shotgun approach. We think everyone is a terrorist, so everyone is being patted down, everyone is being strip-searched. We are putting our hands inside the pants of 6-year-old children. I mean, have we not gone too far? Are we so afraid that we are willing to give up all of our liberty in exchange for security? Franklin said: If you give up your liberty, you will have neither. If you give up your liberty in exchange for security, you may well wind up with neither.

Because we take this shotgun approach, we take this approach that everyone is a potential terrorist, I think we actually are doing less of a good job in capturing terrorists because if we spent our time going after those who were committing terrorism, maybe we would spend less time on those who are living in this country, children and otherwise, frequent business travelers, who are not a threat to our country. Instead of wasting time on these people, we could spend more time on those who would attack us.

I will give you an example—the Underwear Bomber. For goodness' sakes, his dad reported him. His dad called the U.S. Embassy and said: My son is a potential threat to your country. We did nothing. He was on a watch list. We still let him get on a plane. He had been to Nigeria. He had been to Yemen twice. For goodness' sakes, why don't we take half the people in the TSA who are patting down our children and let's have them look at the international flight manifest of those traveling from certain countries who could be attacking us? For goodness' sakes, why don't we target whom we are looking at?

My other amendment concerns banking records. Madam President, 8 million banking records have been looked at in our country—not by the government. They have empowered your bank to spy on you. Every time you go into your bank, your bank is asked to spy on you. If you make a transaction of more than \$5,000, the bank is encouraged to report you. If the bank does not report you, they get a large fine, to the tune of \$100,000 or more. They could get 5 years in prison. They are over-encouraged. The incentive is for the bank to report everyone. So once upon a time, these suspicious-activity re-

ports were maybe 10,000 in a year. There are now over 1 million of these suspicious-activity reports.

Do I want to capture terrorists? Yes. Do I want to capture terrorists who are transferring large amounts of money? Yes. But you know what. When we are wasting time on 8 million transactions—the vast majority of these transactions being by law-abiding U.S. citizens—we are not targeting the people who would attack us.

Let's do police work. If there are terrorist groups in the Middle East and we know who they are, let's investigate them. If they have money in the United States or they are transferring it between banks, by all means, let's investigate them. But let's have some constitutional protections. Let's have some protections that say you must ask a judge for a warrant.

Some have said: How would we get these people? Would we capture those who are transferring weapons? We would investigate. We have all kinds of tools, and we have been using those tools.

Others have said: Well, we have captured these people through the PATRIOT Act, and we never could have gotten them. The problem with that argument is that it is unprovable. You can tell me you captured people through the PATRIOT Act and I can believe you captured them and you have prosecuted them, but you cannot prove to me you would not have captured them had you asked for a judge.

We have a special court. It is called the FISA Court. The FISA Court has been around since the late 1970s. Not one warrant was ever turned down before the PATRIOT Act. But they say: We need more power. We need more power given to these agencies, and we do not need any constitutional restraint anymore.

But my question is, the fourth amendment said you had to have probable cause. You had to name the person and the place. Well, how do we change, get rid of probable cause and change it to a standard of relevance? How do we do that and amend the Constitution without actually amending the Constitution? These are important constitutional questions. But when the PATRIOT Act came up, we were so frightened by 9/11 that it just flew through here. There were not enough copies to be read. There was one copy at the time. No Senator read the PATRIOT Act. It did not go through the standard procedure.

Let's look at what is happening now. Ten years later, you would think the fear and hysteria would have gotten to such a level that we could go through the committee process. Senator LEAHY's bill went to committee. It was deliberated upon. It was discussed. It was debated. It was passed out with bipartisan support. It came to the floor with bipartisan support. But do you know why it is not getting a vote now? Because they have backed us up against a deadline.

There have been people who have implied in print that if I hold up the PATRIOT Act and they attack us tonight, then I am responsible for the attack. There have been people who have implied that if some terrorist gets a gun, then I am somehow responsible. It is sort of the analogy of saying that because I believe you should get a warrant before you go into a potential or alleged murderer's house, somehow I am in favor of murder.

I am in favor of having constitutional protections. These arose out of hundreds of years of common law. They were codified in our Constitution because we were worried. We were incredibly concerned about what the King had done. We were concerned about what a far distant Parliament was doing to us without our approval. We were concerned about what James Otis called writs of assistance. Writs of assistance were pieces of paper that were warrants that were written by soldiers. They were telling us we had to house the British soldiers in our houses, and they were giving general warrants which meant: We are just going to search you willy-nilly. We are not going to name the person or the place. We are not going to name the crime you are accused of.

If a government were comprised of angels, we would not need the fourth amendment. What I argue for here now is protections for us all should we get a despot, should we someday elect somebody who does not have respect for rights. We should obey rules and laws.

Is this an isolated episode we are here talking about, the PATRIOT Act, and that there is an insufficient time, that it is a deadline: Hurry, hurry; we must act. It is not an isolated time.

We have had no sufficient debate on the war with Libya. We are now encountered in a war in Libya, so we now have a war in which there has been no congressional debate and no congressional vote. But do you know what they argue. They say it is just a little war. But you know what. It is a big principle. It is the principle that we as a country elect people. It is a principle that we are restrained by the Constitution, that you are protected by the Constitution, and that if I ask the young men and women here today to go to war and say we are going to go to war, there darn well should be a debate in this body. We are abdicating those responsibilities.

We are not debating the PATRIOT Act sufficiently. We are not having an open amendment process. It took me 3 days of sitting down here filibustering, but I am going to get two amendment votes. I am very happy and I am pleased we came together to do that. I wish we would do more. I wish Senator LEAHY's bill was being voted on here on the floor. I wish there were a week's worth of debate.

The thing is, we come here to Washington expecting these grand debates. I have been here 4 months. I expected

that the important questions of the day would be debated back and forth. Instead, what happens so often is the votes are counted and recounted and laboriously counted. When they know they can beat me or when they know they can beat somebody else, then they allow the vote to come to the floor. But some, like Senator LEAHY's bill—I am suspicious that it is not going to be voted on because they may not be able to beat it. I support it.

So the question is, Should we have some more debate in our country? We have important issues pressing on us. I have been here for 4 months, and I am concerned about the future of our country because of the debt burden, because of this enormous debt we are accumulating. But are we debating it fully? Are we talking about ways we could come together, how Republicans and Democrats, right and left, could come together to figure out this crisis of debt? No. I think we are so afraid of debate but particularly with the PATRIOT Act.

The thing with the PATRIOT Act is that it is so emotional because anyone who stands up, like myself, and says we need to have protections for our people, that we should not sift through the records of every gun owner in America, looking and just trolling through records—interestingly, we have looked at 28 million electronic records, when the inspector general looked at this—28 million electronic records. We have looked at 1,600,000 texts. If you said to me: Well, they asked a judge, and they thought these were terrorists, I do not have a problem. The judge gives them a warrant, and they look at these text messages or electronic records. But do you want them trolling through your Facebook? Do you want them trolling through your e-mails? Do you want a government that is unrestrained by law?

This ultimately boils down to whether we believe in the rule of law. So often we give lipservice to it on our side and the other side, and everybody says: We believe in the Constitution and the rule of law. When you need to protect the rule of law is when it is most unpopular. When everybody tells you that you are unpatriotic or you are for terrorism because you believe in the Constitution, that is when it is most precious, that is when it is that you need to stand up and say no.

We can fight. We can preserve our freedoms. We are who we are because of our freedoms and our individual liberty. If we give that up, we are no different from those whom we oppose. Those who wish to destroy our country want to see us dissolved from within. We dissolve from within when we give up our liberties. We need to stand and be proud of the fact that in our country it is none of your darn business what we are reading. It is none of your business where we go to see a doctor, what movie we see, or what our magazines are. It is nobody's business here in Washington what we are doing. If they

think it is the business of law enforcement, get a warrant. Prove to somebody—at least have one step that says that person is doing something suspicious.

The thing is, these suspicious-activity reports—8 million of them have been filed in the last 8 years. The government does not have to ask for this; it is sort of like they have deputized the banks. The banks have now become sort of like police agencies. The banks are expected to know what is in the Bank Secrecy Act. They are expected to know thousands of pages of regulations. But do you know what they tell your bank. If you do not report everybody, if you do not report these transactions, we will fine you, we will put you in jail, or we will put you out of business.

That is a problem. It is a real problem that that is what has come of this. I think we need to have procedural protections.

Madam President, if at this point there is a request from the Senator from Illinois to yield for a question or a comment, I would be happy to, if it is about the PATRIOT Act.

OK. The amendments I will be proposing will be about two things, and we will have votes on them. We have been given the time to debate, which I am glad we fought for. We will basically be given a virtually insurmountable hurdle. This will be maybe the first time in recent history I remember seeing this, but they will move to table my amendments. In order for me to defeat the tabling motion, I will have to have 60 votes. It is similar to the votes we have when you have to overcome a cloture vote or you have to overcome a filibuster. But we really are not having any vote where there is a possibility of me winning. There is really a forgone conclusion. The votes are counted in advance.

I am proud of the fact that I fought for, though, and we got some debate on the floor and that maybe in bringing this fight, the country will consider and reconsider the PATRIOT Act. But we need to have more debate. Senator LEAHY's bill needs to be fully debated and needs to come out. Maybe when there is not a deadline, maybe it will come forward. Maybe we can have some discussion.

But I guess most of my message is that we should not be fearful. We should not be fearful of freedom. We should not be fearful of individual liberty. And they are not mutually exclusive. You do not have to give up your liberty to catch criminals. You can catch criminals and terrorists and protect your liberty at the same time. There is a balancing act. But what we did in our hysteria after 9/11 was we did not do any kind of balancing act. We just said: Come and get it. Here is our freedom, come and get it. We do not care whether there is review in Congress. We do not care whether there is to be an inspector general looking at this.

One of my colleagues today reported: Well, there is no evidence those 8 million banking investigations are bothering or doing anything to innocent people. Well, there is a reason for there being no evidence: They are secret. You are not told if your bank has been spying on you. If your bank has put in a suspicious-activity report, you are not informed of that.

So the bottom line is, just because there is no complaint does not mean there have not been abuses. There is something called national security letters. These are written by officers of the law, by FBI agents. There is no review by judges. There have been 200,000 of these. There has been an explosion of these national security letters, and we do not know whether they are being abused because they are a secret.

In fact, here is how deep the secret goes. When the PATRIOT Act was originally passed, you were not allowed to tell your lawyer. If the government came to you with an FBI agent's request, you could not even tell your lawyer. This, is very disturbing. They finally got around to changing that. But you know what. If I had an Internet service, if I am a server and they come to me with a policeman's request, and they say: Give us your records—if I tell anyone other than my attorney, I can go to jail for 5 years.

What we have is a veil of secrecy. So even if the government is abusing the powers, we will never know. How much time remains?

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mr. PAUL. Does the Senator from Illinois wish to interject?

Mr. DURBIN. I understand there is time on the other side as well.

The PRESIDING OFFICER. There is 28 minutes on the majority side.

Mr. DURBIN. I would like to speak on the majority's time.

Mr. PAUL. I will finish up then. As we go forward on these, I would hope there would be some deliberation and that the vote, as it goes forward, people will think about that we need to balance our freedoms with our security. I think we all want security. Nobody wants what happened on 9/11 to happen again.

But I think we do not need to simplify the debate to such an extent that we simply say we have to give up our liberties. For example, I cannot tell you how many times people have come up to me in Washington, unelected officials, and said: We could have gotten Moussaoui, the 19th hijacker, if we had the PATRIOT Act.

The truth is, we did not capture Moussaoui because we had poor police work. Ask yourself: Did we fire anybody after 9/11? We gave people gold medals. We gave them medals of honor for their intelligence work after 9/11. To my knowledge, not one person was fired.

Do you think we were doing a good job before 9/11? We had the 19th hijacker in prison, in custody for a

month before 9/11. We had his computer. When they looked at Moussaoui's computer 4 days after 9/11 or the day after 9/11, they connected all of the dots to most of the hijackers and to people in Pakistan.

Why did we not look at his computer? Was it because we did not have the prerogative? They did not ask. An FBI agent in Minnesota wrote 70 letters to his superiors saying: Ask for a warrant. His superiors did not ask for a warrant. Do you think we should have done something about that after 9/11?

We gave everybody in the FBI and the CIA medals. We gave the leaders medals for meritorious service, and no one blinked an eye. What did we do? We passed the PATRIOT Act and said: Come and take our liberties. Make us safe. But to make us safe, we should not give up our rights to protect what we read, to protect what we view, to protect where we go and who we associate with. We should not allow governments to troll willy-nilly through millions of records.

You have heard of wireless wiretaps. A lot of these things are unknown because they are so secret that nobody knows. Even many of us do not even know the extent of these things. But I can tell you, there is a great deal of evidence that we were looking at millions of records and that millions of innocent U.S. citizens are having their records looked at.

Now, are we doing anything? Are we imprisoning innocent folks? No, I do not think we are doing that. I think they are good people. I think the people I have met in the FBI, the people I have met in our government want to do the right thing. But what I am fearful of is that there comes a time when we have given up these powers—for example, the constitutional discussion over war.

If we say: Well, Libya is just a small war. We do not care. We say Congress has no say in this. What happens when we get a President who decides to send 1 million troops into war and we simply say: Who cares. You know, we let the President do whatever he has to do because he has unlimited powers.

We fought a war, we fought long and hard to restrict—we wanted an Executive that was bound by the chains of the Constitution. We wanted a Presidency, an executive branch that was bound by the checks and balances. That is what our Constitution is about. It is about debate. Debate is important. Amendments are important. Bringing forward something from committee that would have reformed the PATRIOT Act is incredibly important, to have those debates on the floor of the Senate.

That is why there is a certain amount of disappointment to having arrived in Washington and to see the fear of debate of the Constitution, and that we need to be debating these things. We need to have full amendments.

Can there be any excuse why the inspector general should not be reviewing

other agencies of government to find out if our rights are being trampled upon.

So I would ask, in conclusion, as these amendments come forward, that people think about it. Think about our constitutional protections. But do not go out and say the Senator from Kentucky does not want to capture terrorists or the Senator from Kentucky wants people to have guns and to attack us because the thing is, we can have reasonable philosophical debates about this, but we need to be having an open debate process. We need to talk about the constitutional protections, the provisions that protect us all, and we need to be aware of that.

I tell people: You cannot protect the second amendment if you do not believe in the fourth amendment. You cannot protect the second amendment if you do not believe in the first amendment. It is all incredibly important.

I hope as we go forward on this vote, and even though I will likely fail, because of the way the rules are set up on the vote, I hope as we go forward that at least somebody will begin to discuss this, somebody will begin to discuss where we should have some constitutional restraint; that Senator LEAHY will have a chance to bring his bill forward, and that there will be a full and open debate.

I hope we have cracked the door open and I have been a small part of that.

I yield back my time.

The PRESIDING OFFICER (Ms. KLOBUCHAR.) The Senator from Illinois.

Mr. DURBIN. Madam President, it is my understanding that we have a consent that will allow Senator PAUL to offer two amendments, and then we will go to final passage on this reauthorization of the PATRIOT Act.

The PRESIDING OFFICER. That is correct.

Mr. DURBIN. I will oppose the amendments offered by Senator PAUL, and then oppose the reauthorization of the PATRIOT Act. I would like to explain in my remarks why.

I voted for the PATRIOT Act in the year 2001. In fact, there was only one Senator on the floor—who no longer serves—who voted against it. It was a moment of national crisis. We were told then by the Bush administration they needed new authorities to make certain that America would be safe and never attacked again.

I want to salute Senator PATRICK LEAHY, as well as his counterparts on both sides of the aisle, who worked night and day to put together a bipartisan version of this PATRIOT Act and had the good sense to include in it a sunset. We knew we were writing a law with high emotion over what had happened to our country. We wanted to make sure it was a good law, but we made certain it would be temporary in nature, for the most part, and we would return and take another look at it. I cannot vote for an extension, a long-term extension, of the PATRIOT Act

without additional protections included for the constitutional rights of our American citizens.

It is worth taking a moment to review the history. The PATRIOT Act was passed 10 years ago—almost 10 years ago—while Ground Zero was still burning. Congress responded and passed it with an overwhelming bipartisan vote. It was a unique moment in our history. But even then we were concerned enough to put a sunset and to do our best to review it in the future to determine whether it went too far when it came to our freedoms. I voted for it, but I soon realized that it gave too much power to government without enough judicial and congressional oversight.

So 2 years after the PATRIOT Act became law, I joined a bipartisan group of Senators in introducing the SAFE Act, legislation to reform the PATRIOT Act. The SAFE Act was supported by advocates from the left and right, from the ACLU to the American Conservatives Union. Progressive Democrats and very conservative Republicans came together across the partisan divide understanding Americans can be both safe and free.

We wanted to retain the expanded powers of the PATRIOT Act but place some reasonable limits to protect constitutional rights. When he joined the Senate in 2005, Senator Barack Obama became a cosponsor of our SAFE Act. Here is what he said as a Senator:

We don't have to settle for a PATRIOT Act that sacrifices our liberties or our safety. We can have one that secures both.

I agree with then-Senator Obama. In 2006, the first time Congress reauthorized the PATRIOT Act, some reforms from the SAFE Act were included in the bill, and I supported it. However, many key protections from the SAFE Act were not included, so there are still significant problems.

The FBI is still permitted to obtain a John Doe roving wiretap that does not identify the person or the phone that will be wiretapped. In other words, the FBI can obtain a wiretap without telling a court who they want to wiretap or where they want to wiretap.

In garden variety criminal cases, the FBI is still permitted to conduct sneak-and-peak searches of a home without notifying the homeowner about the search until a later time. We now know the vast majority of sneak-and-peak searches take place in cases that do not involve terrorism in any way.

A national security letter, or NSL, is a form of administrative subpoena issued by the FBI. We often hear NSLs compared to grand jury subpoenas. But unlike a grand jury subpoena, a national security letter is issued without the approval of a grand jury or even a prosecutor. And unlike the grand jury subpoena, the recipient of an NSL is subjected to a gag order at the FBI's discretion.

The PATRIOT Act also greatly expanded the FBI's authority to issue

NSLs. An NSL now allows the FBI to obtain sensitive personal information about innocent American citizens, including library records, medical records, gun records, and phone records even when there is no connection whatsoever to a suspected terrorist or spy.

The Justice Department's inspector general concluded that this standard "can be easily satisfied." This could lead to government fishing expeditions that target innocent people.

For years we have been told there is no reason to be concerned about this broad grant of power to the FBI. In 2003, then-Attorney General Ashcroft testified to our committee that librarians raising concerns about the PATRIOT Act were "hysterics" and that "the Department of Justice has neither the staffing, the time, nor the inclination to monitor the reading habits of Americans." But we now know the FBI has, in fact, issued national security letters for the library records of innocent people.

For years we were told the FBI was not abusing this broad grant of power. But in 2007, the Justice Department's own inspector general has concluded the FBI was guilty of "widespread and serious misuse" of the national security letter's authority and failed to report these abuses to Congress and the White House.

The inspector general reported that the number of national security letter requests has increased exponentially from about 8,500 the year before enactment of the PATRIOT Act to an average of more than 47,000 per year, and even these numbers were significantly understated.

We can be safe and free. I think it is important that the measure that passed the Senate Judiciary Committee should have been on the Senate floor. It included an amendment which I offered with Senator LEAHY and other provisions which I think are an improvement over the current bill before us.

I will say one quick word about the amendment by Senator PAUL. I do not believe it is in our Nation's best interests to exempt gun records from terrorist investigations. For goodness' sake, when we are dealing with people—terrorists using guns—searching the records to make certain that we know the source of those guns and whether there are any other threats to this Nation is reasonable to do.

These should not be so sacred and sacrosanct that we do not ask the hard questions when our Nation's security is at risk. I would agree with him that we ought to make certain there is a connection between that request for gun record information and a suspected terrorist or spy. But to say these records cannot be asked for under the PATRIOT Act goes too far. That is why I will oppose his amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. I rise to speak in opposition to Amendment No. 365, Sen-

ator PAUL's amendment concerning suspicious activity reports, or what is referred to as SARS.

This amendment would prevent the Department of Treasury from requiring any financial institution to submit a suspicious activity report unless law enforcement first requests the report. If this amendment should become law, it will effectively take away one of the government's main weapons in the battle against money laundering and other financial crimes.

It will also negatively impact our efforts to detect and follow the flow of funds to and from international terrorists. It is important to remember that SARS are essentially tips from third-party financial institutions concerning suspicious transactions. Because law enforcement is not watching the financial transaction of every American on a daily basis 24/7, they often have no idea that a person is even engaged in a financial crime until they receive a suspicious activity notification from a financial institution. In a sense, SARS are not much different than the tips that law enforcement often receives from anonymous sources. These tips or leads can often form the basis for initiating investigations that can be used to neutralize criminal or terrorist activities.

The problem with this amendment is that it would require the government to look into a crystal ball in order to figure out when they should request a SAR. With this logic, we should only allow law enforcement to act on an anonymous tip unless they ask for the tip to be reported first. If a law enforcement or intelligence officer doesn't get a tip about suspicious activity, how in the world is he going to know when it occurred in the first place? The answer here is simple: They will likely never know it occurred until the criminal activity has occurred, and maybe it will even go undetected.

Look, for example, at the 9/11 hijackers. There was a minimum of 12 to 13 of those individuals who came into and out of the United States over a period of time. Money was transferred to and from those individuals over a period of time. Under the requirements pre-PATRIOT Act, there was no suspicious activity detected. But after the enactment of the PATRIOT Act, there would be reason now for any financial institution to suspect the potential for suspicious activity from those transfers of moneys.

That is exactly why we did what we did in the PATRIOT Act, and that is one of the reasons why we have not seen a subsequent direct attack on U.S. soil from individuals who had been in the United States and have received money through transfers, or whatever it may be. Let's don't forget that section 215 business records cannot be obtained in an arbitrary manner. There has to be, first of all, a determination that there is some international connection between the individual whose account has been deemed suspicious by

the financial institution, and also there has to be some follow-on procedure to determine that there is reason for the government to get hold of the financial records of this individual.

In my mind, this amendment would put law enforcement in an unacceptable and unreasonable position. At the same time we are asking them to pursue swindlers and money launderers more aggressively, we need to preserve the requirement that financial institutions report suspicious activities. We need to follow up on these leads not just from a criminal law enforcement perspective but from a national security perspective as well.

Since 9/11, I have been involved with the Intelligence Committee all of those years. We do extensive oversight on this particular provision in the PATRIOT Act, as well as other provisions. We have hearings on this from time to time, and we require the law enforcement officials to come in and talk to us about what they are doing. To my knowledge, there has never been one complaint or abuse that has been shown from the use of this particular provision. This particular provision is working exactly the way we intended it to work. It is a valuable tool for our law enforcement.

Let me speak also about amendment No. 363, which is Senator PAUL's amendment concerning firearms records. Simply put, this amendment would make it more difficult for national security investigators to prevent an act of terrorism inside the United States. The amendment would prohibit the use of a FISA business records court order to obtain firearms records in the possession of a licensed firearms importer, manufacturer, or dealer. Instead, national security investigators could only obtain such records through a Federal grand jury subpoena during the course of a criminal investigation or with a search warrant issued by a Federal magistrate upon a showing of reasonable cause to believe that a violation of Federal firearms laws has occurred. That might not always be possible.

For example, before MAJ Nidal Hasan began his deadly assault against innocent military and civilian personnel at Fort Hood, TX, in November 2009, there was no evidence that he had violated any criminal or Federal firearms laws. Thus, the FBI could not have relied on title 18 to obtain information about Hasan's purchase of the firearms used in the attack.

As we have since learned, however, there was likely enough intelligence information to open a preliminary investigation on Hasan because of his contacts with a known al-Qaida member in Yemen, and seek a section 215 order for information about his gun purchases. I don't understand why we would take this tool away from national security investigators, especially, here again, where there has been no indication of any abuse of this authority with respect to firearms or other sensitive records.

Congress has conducted extensive oversight of the PATRIOT Act and FISA authority, and there have been no reports of any widespread abuse or misuse, and no reports that the government has ever used these authorities to violate second amendment rights.

Moreover, the protections detailed in section 215 ensure that second amendment rights are fully respected in the use of this authority. Unlike in criminal investigations where a Federal grand jury may issue a subpoena for firearms records, any request for records under section 215 must first be approved by the Foreign Intelligence Surveillance Court. As with all other section 215 records, the court must find that such records are relevant to an authorized national security investigation. This means the FBI cannot use this authority in a domestic terrorism investigation, nor can the FBI randomly decide to see whether an ordinary citizen or even a vocal advocate of the second amendment owns a firearm.

There are two additional oversight safeguards that are built into the section 215 process. First, each request for these sensitive records by the FBI can only be approved by one of three high-level FBI officials—the Director, the Deputy Director, or the Executive Assistant Director for National Security. Second, there are also specific reporting requirements that are designed to keep Congress informed about the number of orders issued for these types of sensitive records.

One of the big lessons we learned after the 9/11 terrorist attacks was that we needed to make sure national security investigators had access to investigative tools similar to those that have long been available to law enforcement. Section 215 of the PATRIOT Act addresses that need. It provides an alternative way to obtain business records, including firearms records, in situations where there may be a national security threat but not yet a criminal investigation or violation.

I have long been a strong supporter of the second amendment. There is nobody in this body who has a better voting record on the second amendment than I do. Probably nobody here owns as many guns as I own, but I use them for legal and lawful purposes. I will work with the National Rifle Association and any citizen group to make sure that neither this law nor any Federal law is misused to infringe on the second amendment rights of any law-abiding citizen. But this particular amendment would harm legitimate national security investigations.

I want to take a minute to read a letter I received from Chris Cox, executive director of the National Rifle Association:

DEAR SENATOR CHAMBLISS: Thank you for asking about the National Rifle Association's position on a motion to table amendment No. 363 to the PATRIOT Act. The NRA takes a back seat to no one when it comes to protecting gun owners' rights against government abuse. Over the past three decades, we fought successfully to block unnecessary

and intrusive compilation of firearms-related records by several Federal agencies, and will continue to protect the privacy of our members and all American gun owners.

While well-intentioned, the language of this amendment, as currently drafted, raises potential problems for gun owners, in that it encourages the government to use provisions in current law that allow access to firearms records without reasonable cause, warrant, or judicial oversight of any kind. Based on these concerns, and the fact that the NRA does not ordinarily take positions on procedural votes, we have no position on a motion to table amendment No. 363.

For those reasons, I intend to vote against both of these amendments. While I appreciate the intent and the emotion with which my friend Senator PAUL comes to the floor to advocate, we need to make sure we get these extensions in place immediately, so we have no gap in the coverage available to our intelligence community, and that we continue to give them the tools they need to protect America and protect Americans.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. COONS. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. 1114, a short-term one-month PATRIOT Act sunset extension bill, which is currently at the desk; that the bill be read the third time, and passed; that the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. CHAMBLISS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. COONS. I am disappointed my unanimous consent request was not agreed to. I wish to explain my action here today. The comments I am about to give are an explanation of a vote I intended to take later today.

As Senator CHAMBLISS said just before me, the powers of the PATRIOT Act are too important for us to risk their expiration as this body considers whether to amend them or revise them. I could not agree more.

I offered a 1-month extension in order that this body may take the time that is needed and deserved to seriously debate and conduct oversight over the PATRIOT Act. This is a significant piece of national security legislation that I believe is worthy of further consideration and debate.

Law enforcement agencies—Federal, State, and local—work day in and day out to protect all of us from real threats that go largely unknown and unnoticed by most Americans. I want law enforcement to have all the appropriate tools in their toolbox to accomplish this goal.

Unfortunately, there are also, in my view, legitimate concerns about the legislation on which we are about to vote—concerns that my colleagues and I, including the occupant of the chair, on the Judiciary Committee, reviewed and addressed in detail, and in a bill ul-

timately passed, S. 193, which forms the core of the Leahy-Paul amendment of which I am a cosponsor. We put those provisions before this Chamber. I am disappointed we don't have consent to move forward in order to have time to debate these reforms to the PATRIOT Act. As Americans, the choice between liberty and safety is not one or the other. We expect and demand both. Balancing the two responsibly requires careful consideration to each.

We must be cognizant of our Nation's very real enemies who intend to do us harm, just as they did on September 11. It was awareness of this danger in the world that motivated this Congress, as we have heard in previous speeches, to enact the PATRIOT Act, nearly 10 years ago now, in the wake of those attacks. A grave new threat called for bold new authorities. Though I was not then in the Senate, I likely too would have voted for its passage.

But this body's passage of that act did not amount to a permanent choice of security over liberty. Because of the broad scope of the new authorities in the PATRIOT Act, the bipartisan drafters of the bill insisted upon placing key sunset provisions in the bill to ensure that Congress periodically reviewed how they were being used and assessed whether they were still essential to our security.

Even in the unnerving weeks after 9/11—an extraordinary time in the history of this Congress and this Nation—the authors of the PATRIOT Act knew that the powers they were granting needed to be monitored.

Sunsets are critical to ensuring that the PATRIOT authorities are not abused by the government. They are critical.

It's because of sunsets that every 4 years, the FBI must return to Congress and justify its use of the PATRIOT Act overall and three provisions in particular: the roving wiretap, the lone wolf authority, and §215 orders, which allow the government to demand virtually any document or other evidence pertaining to an individual from a third party.

Sunsets only work, however, if we in Congress have the innate courage to ask the difficult questions when they arise. If, instead, Congress shies away from the tough debate and simply extends the sunsets for another 4 years, we surrender our responsibility to consider whether specific provisions should be amended, reauthorized, or allowed to expire.

If the proposed 4-year extension passes without amendment, it will have been 9 years before Congress votes on reforms to PATRIOT—9 years.

What is the point of having sunsets in this bill if we are going to ignore our oversight responsibilities?

Regretfully, I cannot support any measure that extends controversial and searching PATRIOT authorities until 2015 if this body does not first consider whether the act is in need of amendment. And so I must.

The Judiciary Committee did exactly what it is supposed to do and has worked for months on improving the PATRIOT Act ahead of this deadline. It was a difficult, bipartisan debate but the bill we produced is strong and deserved to be considered by the full body. Chairman LEAHY deserves credit for crafting a set of commonsense, responsible amendments.

In each of the last two Congresses, the Judiciary Committee reported a bipartisan PATRIOT reauthorization bill. In each case, the bills would have made important revisions to PATRIOT without compromising national security. Also in each case, the bills were reported out in plenty of time for this full body to consider them. In each case, no floor action was taken until such a late hour that meaningful debate over the expiring provisions has been precluded.

The Judiciary-reported bill, S. 193, which forms the basis of the Leahy-Paul amendment, deserves consideration. It deserves consideration because our serious consideration of reforms sends the strong message that the PATRIOT authorities are not a blank check, that we in Congress are watching closely to make sure that the use of PATRIOT is consistent with our shared national respect for individual liberty and freedom.

The Leahy-Paul amendment also deserves consideration because the last 5 years have shown us that substantive revisions to PATRIOT are called-for and, indeed, necessary. I would like to speak briefly about just one necessary change, those to the national security letter program.

National security letters, or NSLs are administrative subpoenas that allow the government to demand subscriber information from third parties without even having to go to a judge. These orders are also extraordinary in that they prohibit recipients from telling anyone of their existence.

In 2007 and 2008, the Department of Justice inspector general found massive abuses in the NSL Program, with tens of thousands of NSLs issued for purposes that had nothing to do with national security. Further, in 2008, a court found that the gag order in each NSL was unconstitutional.

Plainly, NSLs are in need of revision, both to bring them in line with the Constitution and to guard against abuses that have nothing to do with national security. I support legislation that would require that DOJ maintain sufficient internal guidelines to ensure that NSLs are only issued when the agents issuing them state facts that show relevance to national security. I also favor amending the gag order so that any recipient can immediately challenge it in court.

These simple reforms as well as the others contained in the Leahy-Paul amendment, do not make our Nation more vulnerable to attack. That is why, in 2010, the Attorney General and the Director of National Intelligence

sent a letter to Congress expressing the view that legislation almost identical to Leahy-Paul “strikes the right balance by both reauthorizing these essential national security tools and enhancing statutory protections for civil liberties and privacy in the exercise of these and related authorities.”

These reforms make our Nation more secure because they strengthen our place in the world as the cradle of liberty.

I don’t want to repeal the PATRIOT Act, but at this moment we have a choice, and a chance—our last chance for 4 years—we can push forward with a bill that does nothing to improve PATRIOT—nothing to factor in everything that is changed in the last 5 years, or we can vote down this long-term extension, vote for a short-term extension and move to debate of the reforms that the Judiciary Committee has already worked up.

The PATRIOT Act is important to our national security, but I cannot support the abdication of Congress’s role in strengthening it.

If I might, in summation, simply say this: If we were today to pass a 4-year extension, without amendment or revision, it will have been 9 years that Congress does not act in any substantive way on the amendments. I join Senator LEAHY in intending to vote “no” today, not because I believe the PATRIOT Act is fundamentally flawed or because I believe the United States doesn’t face real enemies, but because I think this Congress has not taken seriously its very real oversight responsibilities, its need to strike that balance. The Judiciary Committee did that hard work. For this Congress to not amend this bill with the simple balanced and reasonable amendment offered in the Leahy-Paul amendment, I believe I am compelled to strike the balance between security and liberty on the side of liberty today, by saying this body has failed to act and to appropriately conduct thorough oversight of this bill before we send it 4 years into the future.

I yield the floor.

Mr. LEVIN. Madam President, how much time is left?

The PRESIDING OFFICER. There is 5½ minutes.

Mr. LEVIN. I thank the Chair.

Madam President, I rise in opposition to the amendment of Senator PAUL, No. 365. This amendment would effectively wipe out a critical tool used against terrorists and drug traffickers. I want to explain exactly what these suspicious activities reports are and why they are so essential to the FBI and other law enforcement people.

First of all, who uses them? FBI, organized crime units, drug trafficking task forces, border security, Secret Service, State and local police, and the intelligence community all use these SARs. Second, what are they used for? There was a report from the GAO in 2009 which said the following: How are SARs used? They gave a number of examples:

The FBI includes SAR data in its Investigative Data Warehouse to identify:

financial patterns associated with money laundering, bank fraud, and other aberrant financial activities.

Second, Organized Crime Drug Enforcement Task Force’s Fusion Center combines SAR data with other data to produce comprehensive integrated intelligence products and charts.

Third, the IRS uses SARs to identify: financial crimes, including individual and corporate tax frauds and terrorist activities.

We received a letter just today from the Attorney General of the United States strongly opposing this amendment of Senator PAUL, and this is what the Attorney General says:

SARs are a critical tool for our national security and law enforcement professionals. SARs are used to alert intelligence and law enforcement personnel to issues that warrant further investigation and scrutiny. The purpose of the SAR regime is to require financial institutions to report on suspicious activities based on information that is solely within their possession. Prior to the filing of a SAR, our law enforcement and intelligence analysts often are not aware that a particular bank account or individual may be associated with criminal activity or may be engaged in activities that pose a threat to national security, such as the funding of terrorist activities.

Then the Attorney General goes on:

Conditioning the filing of SARs upon a request from law enforcement would undermine this purpose. By definition, SARs are designed to alert law enforcement to information not otherwise within its possession.

The Paul amendment, No. 365, is very short, but what it does is say you must have a request of an appropriate law enforcement agency for the report before there is a requirement to file a suspicious activity report. As the Attorney General points out in his letter, that would totally undermine the purpose of the SAR requirement.

Finally, the Attorney General points out the following:

How much time do I have remaining, Madam President?

The PRESIDING OFFICER. The Senator has 2 minutes 12 seconds.

Mr. LEVIN. I thank the Chair.

The Attorney General further points out:

It is also important to note that SARs themselves are confidential under law (i.e., not available to the public) and cannot be used as evidence. They contain information that, if used by law enforcement personnel, must be further investigated and proven before adverse action is taken. The reports are only made available to law enforcement, intelligence, and appropriate supervisory agencies under applicable authorities and are subject to the protections of Federal law.

Madam President, I ask unanimous consent to have printed in the RECORD a copy of the letter from the Attorney General.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF THE
ATTORNEY GENERAL,
Washington, DC, May 26, 2011.

Hon. HARRY REID,
Hon. MITCH MCCONNELL,
U.S. Senate, Washington, DC.

DEAR LEADERS REID AND MCCONNELL: I understand that Senator Paul may offer an amendment today to S. 990 which would modify Section 5318(g)(1) of Title 31, United States Code, to allow for the issuance of Suspicious Activity Reports ("SARs") by financial institutions "only upon request of an appropriate law enforcement agency. . . ." I write to express the Department's serious concerns about such an amendment.

SARs are a critical tool for our national security and law enforcement professionals. SARs are used to alert intelligence and law enforcement personnel to issues that warrant further investigation and scrutiny. The purpose of the SAR regime is to require financial institutions to report on suspicious activities based on information that is solely within their possession. Prior to the filing of a SAR, our law enforcement and intelligence analysts often are not aware that a particular bank account or individual may be associated with criminal activity or may be engaged in activities that pose a threat to national security, such as the funding of terrorist activities.

Conditioning the filing of SARs upon a request from law enforcement would undermine this purpose. By definition, SARs are designed to alert law enforcement to information not otherwise within its possession. By placing the onus on law enforcement to request information—about which it is unaware—this amendment would take away from law enforcement a critical building block of financial investigations and terrorist financing intelligence. In this way, the proposed amendment would severely undermine the usefulness of the SAR regime, and eliminate an effective tool in the fight against financial fraud and, critically, terrorism.

It is also important to note that SARs themselves are confidential under law (i.e., not available to the public) and cannot be used as evidence. They contain information that, if used by law enforcement personnel, must be further investigated and proven before adverse action is taken. The reports are only made available to law enforcement, intelligence, and appropriate supervisory agencies under applicable authorities and are subject to the protections of Federal law.

In sum, the current SARs regime is critical to our national security and law enforcement activities, while also respectful of the privacy interests of Americans.

For these reasons, I urge that the amendment not be adopted.

Sincerely,

ERIC H. HOLDER, JR.,
Attorney General.

Mr. LEVIN. Madam President, the Paul amendment would throw out the window a legitimate and useful law enforcement tool. It has worked effectively. Three courts have said it is constitutional. I hope the Paul amendment is tabled, and I thank the Presiding Officer.

Mr. JOHNSON of South Dakota. Madam President, suspicious activity reports, or SARs, are just what they seem—reports by banks and other financial institutions when they come across obviously suspicious activity by one of their customers. They have been, and continue to be, valuable lead information for law enforcement in in-

vestigating and prosecuting terrorism, major money laundering offenses, and other serious crimes.

The Bank Secrecy Act authorizes Treasury to require financial institutions to report suspicious activity to law enforcement. In response, the Treasury Department has created an extensive and effective system for banks, casinos, securities firms, money service businesses, and other financial institutions to file SARs that are regularly reviewed by law enforcement.

SARs are used by the FBI, organized crime units, drug trafficking task forces, border security, Secret Service, State and local police, and more. They have enabled the prosecution of a great number of serious crimes over the years.

Law enforcement agencies use SAR data daily to fight terrorist financing, money laundering, drug trafficking, corruption, financial fraud, mortgage fraud, and illicit money flows of all types. A 2009 GAO report gave these examples of how SARs are used:

FBI includes SAR data in its Investigative Data Warehouse to identify "financial patterns associated with money laundering, bank fraud, and other aberrant financial activities." It uses SAR data to investigate "criminal, terrorist, and intelligence networks."

The Organized Crime Drug Enforcement Task Force's Fusion Center combines SAR data with other data to "produce comprehensive integrated intelligence products and charts."

The IRS uses SARs to identify "financial crimes, including individual and corporate tax frauds, and terrorist activity."

The Secret Service uses SAR data to "map and track trends in financial crimes."

Sharply restricting current law and longstanding practice, this amendment would only authorize the reporting of SARs after a law enforcement agency makes a specific request of a bank, money service business, or other entity, which would in turn require a demonstration that suspicious activity already exists, rendering a SARs filing moot.

It would basically turn SARs reporting upside down by requiring law enforcement to establish the basis for an investigation before requesting a SAR, rather than relying upon a SAR to initiate or supplement an investigation that would then lead to a search warrant or subpoena.

So instead of being used as leads, flagging drug or terrorism-related or money laundering activity for law enforcement, under the amendment SARs would simply confirm suspicious activity. That would severely degrade their value, which is to make law enforcement aware of potential criminal activity.

If the United States were to disable its SAR reporting system by requiring individual requests for SAR reports, it would invite the worst of criminals to misuse U.S. financial institutions for their schemes, knowing their activities would not automatically be reported to law enforcement. It makes no sense, es-

pecially in a context where there is no serious claim that these legal authorities have been misused.

How does the system work now, as a practical matter? Let's say a drug dealer comes into a bank with \$9,000 in cash and the cash reeks of marijuana. Under current law, the teller is trained to flag that transaction, and compliance officers in the bank's back office would assess it and likely file a SAR, to be examined by law enforcement.

Let's say that the same person does this in four or five banks in town that same afternoon, with the same amounts, structured to be just below reporting limits, reeking of marijuana. Now he is effectively laundered almost \$50,000 in one day. I would say we at least want to know about that, and the system now enables that. Under this amendment, that would all go by the boards.

Let's say the person is a terrorist conspirator or arms proliferator. Same scenario, only this time with a twist—a series of large structured cash deposits in a series of banks here on the same day, that are then the next day wired to the same overseas account in Pakistan or Afghanistan or Iraq, withdrawn by a coconspirator there, and used to buy IEDs to hit U.S. troops.

Would we not want those transactions at least flagged by responsible bank officials and assessed for patterns? I think so, and I think my colleagues will agree.

If the thresholds in this amendment were implemented, very few SARs would be filed because there would be no reason for law enforcement to request that SARs be filed after identifying suspicious activity by other means. Law enforcement would instead obtain a search warrant to obtain all relevant information—i.e., the underlying bank records—from the financial institution.

The amendment would also cause the United States to be in noncompliance with international anti-money laundering and terrorist financing standards—for instance, the recommendations of the Financial Action Task Force, FATF, which require suspicious activity reporting when a financial institution has reasonable grounds to suspect criminal activity.

This is a very serious problem. For years other countries have looked to us for guidance and best practices on these issues. This amendment would make the United States an outlier bank secrecy jurisdiction.

SARs themselves do not unreasonably impinge on personal privacy. The reports are confidential and cannot be used as evidence. They contain allegations that must be further investigated and proven before adverse action is taken by law enforcement.

The reports are only made available to law enforcement, intelligence, and appropriate supervisory agencies under applicable authorities and are subject to the protections of the Federal Privacy Act.

I urge my colleagues to oppose this unwise and ill-conceived amendment.

Mr. UDALL of New Mexico. Mr. President, today's vote to extend expiring provisions of the so-called PATRIOT Act is not the first time Congress has extended the sunset provisions, nor will it be the last. In 2006, the USA PATRIOT Improvement and Reauthorization Act was passed and, among other things, extended until December 2009 the three provisions we are discussing today. When those provisions were set to expire, a 3-month extension was included in the Department of Defense Appropriations Act. Three months later, Congress passed a 1-year extension until February 2011. As that deadline loomed, and without sufficient time to have a real debate, we passed the extension that expires at midnight tonight.

Immediately after the terrorist attacks of 9/11, it may have been understandable that our emotions made it unlikely that we would have a rationale and deliberative debate about the PATRIOT Act. But at the time, as I voted against the bill, I said on the House floor that "the saving grace here is that the sunset provision forces us to come back and to look at these issues again when heads are cooler and when we are not in the heat of battle."

But that hasn't happened. Each time a sunset date nears, we hear a lot of highly charged rhetoric from Members in both parties and in both Chambers of Congress about how devastating it will be to our national security if we let the PATRIOT Act expire. I find this to be deeply disturbing because it demonstrates that 10 years after the attacks on 9/11 we are still using fear to prevent an open and honest debate.

Let's put this rhetoric aside and discuss the facts. First, the PATRIOT Act is not about to expire. Three provisions of the law are set to expire, but the vast majority of the authorities contained in the law will remain unchanged.

Two of the expiring provisions were enacted as part of the PATRIOT Act. Section 206 of the act amended FISA to permit multipoint, or "roving," wiretaps. Section 215 enlarged the scope of materials that could be sought under FISA to include "any tangible thing." It also lowered the standard required before a court order may be issued to compel their production. The third provision was enacted in 2004 as part of the Intelligence Reform and Terrorism Prevention Act, IRTPA. This provision changed the rules regarding the types of individuals who may be targets of FISA-authorized searches. Also known as the "lone wolf" provision, it permits surveillance of non-U.S. persons engaged in international terrorism without requiring evidence linking those persons to an identifiable foreign power or terrorist organization.

Let's also be clear about what would happen if these provisions did expire. The two provisions from the PATRIOT Act that amended FISA authorities

would read as they did before the PATRIOT Act was passed in 2001. That means they would not be revoked completely but instead would be more limited in scope. And what would happen if the "lone wolf" provision expired? Not much. In the 7 years since its enactment, it is never been used.

Even if the provisions expire, they contain exceptions for ongoing investigations, and the government can continue to use those provisions beyond the sunset date. This is what a recent CRS report says about this:

A grandfather clause applies to each of the three provisions. The grandfather clauses authorize the continued effect of the amendments with respect to investigations that began, or potential offenses that took place, before the provision's sunset date. Thus, for example, if a non-U.S. person were engaged in international terrorism before the sunset date of May 27, 2011, he would still be considered a "lone wolf" for FISA court orders sought after the provision has expired. Similarly, if an individual is engaged in international terrorism before that date, he may be the target of a roving wiretap under FISA even after authority for new roving wiretaps has expired.

Those are pretty broad exceptions, and I am fairly confident that our ability to protect the Nation would continue even if the three provisions expire. So let's put the hyperbole aside and not stoke irrational fears for political expediency.

I am very disappointed that we couldn't have a candid debate and an opportunity to vote on several amendments. With a decade of hindsight, more voices from very different places on the political spectrum agree that the entire law bears scrutiny and debate. We should no longer neglect our duty to review the full scope of a law with such serious constitutional challenges before rushing to reauthorize it, again.

Mr. GRASSLEY. Madam President, I support a clean reauthorization of the expiring provisions of the USA PATRIOT Act and against Senator PAUL's amendment on firearms records. Over the years, I have always supported and defended the second amendment. I have consistently voted to ensure that the Federal Government does not limit the constitutional rights of the millions of American gun owners. I cannot support the amendment offered today by Senator PAUL because it will damage the prospects of ensuring that critical national security laws are not reauthorized and could potentially hurt the second amendment rights of American citizens. In fact, the National Rifle Association said today in a vote alert, "While well-intentioned, the language of this amendment as currently drafted raises potential problems for gun owners, in that it encourages the government to use provisions in current law that allow access to firearms records without reasonable cause, warrant or judicial oversight of any kind."

Senator PAUL's amendment actually removes protections from firearms owners. Currently, under the PATRIOT

Act, in order to obtain firearms records, investigators must first go through a rigorous application process and then seek a Federal judge's approval. Senator PAUL's amendment would remove this judicial review.

If Senator PAUL's amendment became law and removed judicial review, investigators would then use a grand jury subpoena in order to obtain the records. A grand jury subpoena is a process that has neither a rigorous approval process, nor judicial review. Thus, Senator PAUL's amendment, while intending to protect second amendment rights, actually backfires in that effort.

First, let's talk about the rigorous approval process that controls whether firearms records can be obtained under the PATRIOT Act. And remember, this process does not exist under criminal law when using a grand jury subpoena. To obtain gun records under the PATRIOT Act, a section 215 order is used. The use of section 215 orders has been reviewed by the Department of Justice Office of Inspector General, which issued a report in March 2007 that outlined the existing process; that is, the 10 layers of review before it is even sent to a Federal judge are as follows:

- No. 1, the FBI field agent.
- No. 2, the FBI field office supervisor.
- No. 3, the field office's Special Agent in Charge.
- No. 4, the field office's District Counsel.
- No. 5, it is then forwarded to FBI headquarters, where it is reviewed by a National Security Law Branch lawyer.
- No. 6, the National Security Law Branch Supervisor.
- No. 7, the request is then sent to the Department of Justice's Office of Intelligence for review by a lawyer.
- No. 8, if the request survives these seven approvals, the request is sent back to the field office for an accuracy review.
- No. 9, the request is then approved by an Office of Intelligence supervisor.
- No. 10, then one of the three highest ranking officials in the FBI must personally approve the request, either the Director, the Deputy Director, or the Executive Assistant Director for National Security.

After approval by the field office, the FBI's National Security Law Branch, the DOJ's Office of Intelligence, the field office again, and finally by one of the three highest officials of the FBI, then an Office of Intelligence lawyer presents the application package to the court for approval.

A federally appointed district judge, serving on the Foreign Intelligence Surveillance Court, FISA, reviews the request and holds a hearing. At this hearing, the court can ask questions and make any changes the independent judge deems appropriate. If approved, the signed order is then returned to the FBI field office to be served by the agent.

This is a very long process, and it takes, on average, over 140 days to get

a section 215 order. It requires 11 separate approvals before any records could be obtained. Yet Senator PAUL's amendment will completely eliminate this investigative tool. A section 215 order provides greater protections of second amendment rights than the alternative, which is a grand jury subpoena as part of a criminal investigation.

The alternative method of obtaining firearms records is a grand jury subpoena. It is rarely used as an alternative in the national security context. First, investigators must have a criminal nexus before it can seek a grand jury subpoena. This means there must be either criminal activity or a Federal firearms violation. Sometimes, when investigating terrorism, no criminal nexus exists. Senator PAUL's amendment would prevent obtaining gun records in foreign intelligence investigations that have no criminal nexus.

More often, a suspected terrorist comes across our radar long before he ever does anything that would rise to the level of a criminal violation. Senator PAUL's amendment would mean that the FBI could not get information that a suspected terrorist is legally buying firearms until after he actually takes the shot or does something else criminal. At this point, it is too late to prevent an act of terrorism from occurring.

It does not make any sense to allow criminal investigators access to firearms records but prohibit terrorism investigators the same access. That scenario is why we in Congress acted to amend the law following 9/11. This is simply another attempt to rebuild "the wall" between intelligence and criminal law that caused the failure connecting the dots prior to 9/11.

Remember, these sorts of records are crucial to the early stages of a terror investigation. It allows the government to connect the dots. This authority can only be used with prior approval from a Senate-confirmed, lifetime-appointed, independent, article 3, Federal district court judge. I am not sure how many more times I need to repeat the fact, that records are only provided after judicial review.

Those who claim that there are no controls have not read or have not understood the law.

I trust an independent judge who can, and will, say no if legal requirements are not met, if a request appears to over-reach, or if the law does not allow it.

Judicial review is one very important safeguard in place every time a section 215 order is requested, which is the tool to request firearms records. This safeguard is over and above those that exist in criminal cases. A vote for the Paul amendment is a vote to take away this judicial review.

No judge reviews a grand jury subpoena before it is issued. Yet, in more serious, national security cases, to obtain firearms records, a judge must approve the request and issue an order.

That means it is more difficult to obtain records with a section 215 order in a national security case than it is in a less serious criminal case with a grand jury subpoena.

I don't know why we insist on making it harder to investigate acts of terrorism than to investigate fraud and illegal drugs.

Section 215 orders offer more protection than what the Constitution requires. The Supreme Court, in *U.S. v. Miller*, has held that business records, such as banking deposit slips or car rental records or firearms records, are not subject to fourth amendment protections because the customer has no reasonable expectation of privacy in documents that are in the possession of third parties.

The constitutional argument that a section 215 order is an unreasonable search in violation of the fourth amendment is completely contrary to what the Supreme Court has been saying for over 35 years. Thus, section 215 orders offer greater protection than what the Constitution requires.

There are no reported abuses of section 215 orders. And if this tool was being abused, people know that I would be eager to hold investigators accountable.

In fact, I will pledge to work with all groups and supporters of the second amendment, such as the National Rifle Association, to ensure that PATRIOT Act authorities are not used to circumvent existing prohibitions on obtaining U.S. citizen gun records. I support the goal Senator PAUL is trying to achieve, namely protecting the constitutional rights of all gun owners. However, his amendment goes too far.

I urge my colleagues to oppose amendment 363 and support a clean extension of the expiring PATRIOT Act authorities.

Mr. REID. Madam President, although the PATRIOT Act is not a perfect law, it provides our intelligence and law enforcement communities with crucial tools to keep our homeland safe and thwart terrorism. While I am disappointed we were not able to include any of the sensible oversight and civil liberties protections included in the bill reported by the Judiciary Committee with bipartisan support, I strongly support the Senate's effort to ensure that these important authorities do not expire.

The raid that killed Osama bin Laden also yielded an enormous amount of new information that has spurred dozens of investigations yielding new leads every day. Without the PATRIOT Act, investigators would not have the tools they need to follow these new leads and disrupt terrorist plots, putting our national security at risk.

Finally, we have worked expeditiously to pass this legislation to reauthorize these critical intelligence tools. If for some reason this bill is not enacted before May 27 and there is a brief lapse in the authorities, there should be no doubt that it is Congress's

intent that this bill reauthorizes the authorities in their current form and does so until June 2015.

How much time remains, Madam President?

The PRESIDING OFFICER. There is 1 minute 22 seconds.

Mr. REID. Who controls that time?

The PRESIDING OFFICER. The time is controlled by the majority, and the Senator from Kentucky controls 2 minutes 22 seconds.

Mr. PAUL. Madam President, I am happy to yield back the remainder of my time.

Mr. REID. I yield back the majority time.

AMENDMENTS NOS. 363 AND 365 TO AMENDMENT NO. 347

Mr. REID. Madam President, I move to table the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. The clerk will report the amendments en bloc.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. PAUL] proposes en bloc amendments numbered 363 and 365.

The amendments are as follows:

AMENDMENT NO. 363

(Purpose: To clarify that the authority to obtain information under the USA PATRIOT Act and subsequent reauthorizations does not include authority to obtain certain firearms records)

At the appropriate place, insert the following:

SEC. ____ FIREARMS RECORDS.

Nothing in the USA PATRIOT Act (Public Law 107-56; 115 Stat. 272), the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 120 Stat. 192), the USA PATRIOT Act Additional Reauthorizing Amendments Act of 2006 (Public Law 109-178; 120 Stat. 278), or an amendment made by any such Act shall authorize the investigation or procurement of firearms records which is not authorized under chapter 44 of title 18, United States Code

AMENDMENT NO. 365

(Purpose: To limit suspicious activity reporting requirements to requests from law enforcement agencies, and for other purposes)

At the appropriate place, insert the following:

SEC. ____ SUSPICIOUS ACTIVITY REPORTS.

Section 5318(g)(1) of title 31, United States Code, is amended by inserting before the period at the end the following: ", but only upon request of an appropriate law enforcement agency to such institution or person for such report".

Mr. REID. Madam President, I move to table amendment No. 363 and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

Mr. REID. Madam President, I am not sure I was heard earlier. I ask unanimous consent that this vote be 15 minutes and the rest 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk called the roll. Mr. DURBIN. I announce that the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from New York (Mr. SCHUMER) are necessarily absent.

I further announce that, if present and voting, the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New York (Mr. SCHUMER) would each vote "yea."

Mr. KYL. The following Senators are necessarily absent: the Senator from Kansas (Mr. ROBERTS) and the Senator from Florida (Mr. RUBIO).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 10, as follows:

[Rollcall Vote No. 82 Leg.]
YEAS—85

Akaka	Gillibrand	Merkley
Alexander	Graham	Mikulski
Ayotte	Grassley	Murkowski
Begich	Hagan	Murray
Bennet	Harkin	Nelson (NE)
Bingaman	Hatch	Nelson (FL)
Blunt	Hoeven	Portman
Boozman	Hutchison	Pryor
Boxer	Inhofe	Reed
Brown (MA)	Inouye	Reid
Brown (OH)	Isakson	Risch
Burr	Johanns	Rockefeller
Cantwell	Johnson (SD)	Rockefeller
Cardin	Johnson (WI)	Sanders
Carper	Kerry	Sessions
Casey	Kirk	Shaheen
Chambliss	Klobuchar	Snowe
Coats	Kohl	Stabenow
Coburn	Kyl	Thune
Cochran	Landrieu	Toomey
Collins	Lautenberg	Udall (CO)
Conrad	Leahy	Udall (NM)
Coons	Levin	Vitter
Corker	Lieberman	Warner
Cornyn	Lugar	Webb
Crapo	Manchin	Whitehouse
Durbin	McCain	Wicker
Feinstein	McCaskill	Wyden
Franken	McConnell	

NAYS—10

Barrasso	Heller	Shelby
Baucus	Lee	Tester
DeMint	Moran	
Enzi	Paul	

NOT VOTING—5

Blumenthal	Roberts	Schumer
Menendez	Rubio	

The PRESIDING OFFICER. On this vote, the yeas are 85, the nays are 10. Under the previous order, 60 votes not having been cast in opposition to the motion to table, the amendment is withdrawn.

The majority leader.

AMENDMENT NO. 365

Mr. REID. Is amendment No. 365 pending?

The PRESIDING OFFICER. That is the pending amendment.

Mr. REID. Madam President, I move to table the pending Paul amendment No. 365, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr.

BLUMENTHAL), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from New York (Mr. SCHUMER) are necessarily absent.

I further announce that, if present and voting, the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New York (Mr. SCHUMER) would each vote "yea."

Mr. KYL. The following Senators are necessarily absent: the Senator from Kansas (Mr. ROBERTS) and the Senator from Florida (Mr. RUBIO).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 4, as follows:

[Rollcall Vote No. 83 Leg.]
YEAS—91

Akaka	Franken	Mikulski
Alexander	Gillibrand	Moran
Ayotte	Graham	Murkowski
Barrasso	Grassley	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Hatch	Portman
Bingaman	Hoeven	Pryor
Blunt	Hutchison	Reed
Boozman	Inhofe	Reid
Boxer	Inouye	Risch
Brown (MA)	Isakson	Rockefeller
Brown (OH)	Johanns	Sanders
Burr	Johnson (SD)	Sessions
Cantwell	Johnson (WI)	Shaheen
Cardin	Kerry	Shelby
Carper	Kirk	Shelby
Casey	Klobuchar	Snowe
Chambliss	Kohl	Stabenow
Coats	Kyl	Tester
Coburn	Landrieu	Thune
Cochran	Lautenberg	Toomey
Collins	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Coons	Lieberman	Vitter
Corker	Lugar	Warner
Cornyn	Manchin	Webb
Crapo	McCain	Whitehouse
Durbin	McCaskill	Wicker
Enzi	McConnell	Wyden
Feinstein	Merkley	

NAYS—4

DeMint	Lee
Heller	Paul

NOT VOTING—5

Blumenthal	Roberts	Schumer
Menendez	Rubio	

The PRESIDING OFFICER. Under the previous order, 60 votes not having been cast in opposition to the motion to table, the amendment is withdrawn.

Under the previous order, amendment No. 348 is withdrawn.

All postcloture time is yielded back.

The question is on agreeing to the motion to concur with amendment No. 347 to the House amendment to S. 990.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from New York (Mr. SCHUMER), are necessarily absent.

I further announce that, if present and voting, the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New York (Mr. SCHUMER) would each vote "yea."

Mr. KYL. The following Senators are necessarily absent: the Senator from Kansas (Mr. ROBERTS) and the senator from Florida (Mr. RUBIO).

The PRESIDING OFFICER (Mr. FRANKEN). Are there any Senators in the Chamber desiring to vote?

The result was announced—yeas 72, nays 23, as follows:

[Rollcall Vote No. 84 Leg.]

YEAS—72

Alexander	Gillibrand	McCaskill
Ayotte	Graham	McConnell
Barrasso	Grassley	Mikulski
Bennet	Hagan	Moran
Blunt	Hatch	Nelson (NE)
Boozman	Hoeven	Nelson (FL)
Boxer	Hutchison	Portman
Brown (MA)	Inhofe	Pryor
Burr	Inouye	Reed
Cardin	Isakson	Reid
Carper	Johanns	Risch
Casey	Johnson (SD)	Rockefeller
Chambliss	Johnson (WI)	Sessions
Coats	Kerry	Shaheen
Coburn	Kirk	Shelby
Cochran	Klobuchar	Snowe
Collins	Kohl	Stabenow
Conrad	Kyl	Thune
Corker	Landrieu	Toomey
Cornyn	Levin	Vitter
Crapo	Lieberman	Warner
DeMint	Lugar	Webb
Enzi	Manchin	Whitehouse
Feinstein	McCain	Wicker

NAYS—23

Akaka	Franken	Murray
Baucus	Harkin	Paul
Begich	Heller	Sanders
Bingaman	Lautenberg	Tester
Brown (OH)	Leahy	Udall (CO)
Cantwell	Lee	Udall (NM)
Coons	Merkley	Wyden
Durbin	Murkowski	

NOT VOTING—5

Blumenthal	Roberts	Schumer
Menendez	Rubio	

The motion was agreed to.

VOTE EXPLANATION

Mr. MENENDEZ. Mr. President, I was unavoidably detained for rollcall vote No. 82, a vote on the motion to table the Paul amendment No. 363 related to firearm records. Had I been present, I would have voted "yea" to the motion to table the amendment.

Mr. President, I was also unavoidably detained for rollcall vote No. 83, a vote on the motion to table the Paul amendment No. 365 related to suspicious activity reports. Had I been present, I would have voted "yea" to the motion to table the amendment.

Mr. President, further I was unavoidably detained for rollcall vote No. 84, adoption of the motion to concur in the House amendment to S. 990 with the Reid amendment #347, PATRIOT Act extension. Had I been present, I would have voted "yea."

Mr. BLUMENTHAL. Mr. President, I was unavoidably absent during today's vote to extend three expiring provisions of the PATRIOT ACT, due to my son's college graduation. I voted to extend these provisions earlier this year when this legislation was before the Senate Judiciary Committee. Had I been able to attend today's vote, I would have voted again with the majority to extend these provisions.

Additionally, I would have voted to table amendment No. 363, which would have prohibited the use of any PATRIOT Act authorities to investigate or procure records relating to firearms. I would also have voted to table

amendment No. 365, which would have sharply curtailed existing rules that help the Treasury track the financial activities of terrorists.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, there will be no more votes today. That was the last vote for this week. We will have a vote on the Monday we get back in the evening at around 5 o'clock.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business until 8 p.m. tonight, with Senators permitted to speak for up to 10 minutes each; further, that Senator MURRAY now be recognized to speak for 4 minutes, and following her remarks, Senator INHOFE be recognized until 6:15 p.m., Senator DURBIN then be recognized for up to 10 minutes, and following that Senator COBURN be recognized for up to 45 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I think that may get us past 8 o'clock. I have not done the math but however long that takes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington.

MEMORIAL DAY

Mrs. MURRAY. Mr. President, I come to the floor to honor and commemorate the men and women who died fighting for our great country.

Memorial Day is a day to honor those American heroes who made the ultimate sacrifice for our Nation. It is because of their sacrifice that we can safely enjoy the freedoms our great country offers. It is because of their unmatched commitment that America can remain a beacon for democracy and freedom throughout the world.

Memorial Day is a day of remembrance, but it is also a day of reflection. When our brave men and women volunteered to protect our Nation, we promised them we would take care of them and their families when they return home.

On this Memorial Day, we need to ask ourselves: Are we doing enough for our Nation's veterans? Making sure our veterans can find jobs when they come back home is an area where we must do more.

For too long, we have been investing billions of dollars training our young men and women to protect our Nation, only to ignore them when they come home. For too long, we have patted them on the back and pushed them into the job market with no support. That is simply unacceptable, and it does not meet the promise we made to our servicemembers.

Our hands-off approach has left us with an unemployment rate of over 27 percent among young veterans coming home from Iraq and Afghanistan. That

is 1 in 5 of our Nation's heroes who cannot find a job to support their family and who do not have an income to provide the stability that is so critical to their transition home.

That is exactly why earlier this month I introduced the Hiring Heroes Act of 2011, which is now cosponsored by 17 Senators and has garnered bipartisan support. This legislation will rethink the way we support our men and women in uniform when they come home to look for a job.

I introduced this critical legislation because I have heard firsthand from so many veterans that we have not done enough to provide them with the support they need to find work.

I have heard from medics who return home from treating battlefield wounds who cannot get certification to be an EMT or drive an ambulance. I have heard from veterans who tell me they no longer write that they are a veteran on their resume because they fear the stigma they believe employers attach to the invisible wounds of war.

These stories are heartbreaking and they are frustrating. But more than anything, they are a reminder that we have to act now.

My legislation will allow our servicemembers to capitalize on their service. For the first time, it will require broad job skills training for anyone leaving the military as part of the military's Transition Assistance Program. Today, over one-third of those leaving the Army do not get any of that training.

My bill will also require the Department of Labor to take a hard look at what military skills and training should be translatable into the civilian sector and will work to make it simpler to get those licenses and certifications our veterans need.

All of these are real, substantial steps to put our veterans to work. All of them come at a pivotal time for our economic recovery and our veterans.

I grew up with the Vietnam war. I have dedicated much of my Senate career helping to care for the veterans we left behind that time. The mistakes we made then cost our Nation and our veterans dearly. Today, we risk repeating those mistakes. We cannot let that happen again.

Our Nation's veterans are disciplined, they are team players who have proven they can deliver under pressure like no one else. So let's not let another year and another Memorial Day go by without us delivering for them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that my time that would expire at 6:15 be extended to 6:30, and other times adjusted accordingly.

The PRESIDING OFFICER. Without objection, it is so ordered.

ISRAEL'S BORDERS

Mr. INHOFE. Mr. President, a few weeks ago I had the opportunity to

visit with one of my true heroes, Benjamin Netanyahu, who was here and graced us with his presence this week. Last March, I was in Jerusalem, had some quality time with him, and we kind of relived the experiences we have had in the past when he was Prime Minister before. That was back in the middle 1990s. I had a chance to talk to him. As I recall, his concern at that time—what he said at that time—two major concerns. One is, what is happening in Iran, and then, of course, making sure that the land in Israel right now will stay there.

Recently, I had a chance to visit with him again. I was quite surprised when he came here and he was met with this suggestion that things are going to change and that maybe we would encourage Israel to go back to their 1967 borders.

I can assure you that we will do everything we can to keep that from happening. I want to make sure we get the message out there, that this may be President Obama talking, it is not the majority of people in America, as was witnessed by the 30 standing ovations that Prime Minister Netanyahu got in his joint speech.

It sounded familiar when we are talking about this, about the land. I remembered that it was 10 years ago—10 years ago right now, 2001—that I made a speech, and it jogged my memory when I heard the President talking about going back to the 1967 borders. So I dug up that speech. I found it, and I found that it is so appropriate today.

This was a speech, by the way—the research done for this speech was done by a guy named Willie George. He was a preacher, a pastor, but a historian. I want to put the same perspective on this we did 10 years ago and see how that applies today.

First of all, I am going to do something that is unusual on the floor of the Senate; that is, I am going quote Ephesians 6. Listen carefully. It says: For we wrestle not against flesh and blood, but against principalities, against powers, against the rulers of darkness of this world, against spirit wickedness in high places.

It is significant that we look at that, because make no mistake about it, the war that was started 10 years ago and the war we are in right now, that we are fighting now, is first and foremost a spiritual war, not a political war—never has been a political war. It is not about politics. It is a spiritual war. It has its roots in spiritual conflict. It is a war to destroy the very fabric of our society and the very things for which we stand.

Many of the wars in history are wars where people are trying to take over something another country has. That is not what this is about. Not about getting mineral deposits, not about getting land from other countries. This is a different war.

It is not simple greed that motivates these people to kill. One may ask, what is it about our Nation that makes

them—here I am talking about some of the Hamas, Hezbollah, the terrorists—hate us so much? I suggest there are three things. First, in our country we have the freedom and the right to choose the kind of worship we want. I happen to be a Jesus guy, a born-again Christian, all that. I believe the way to the Lord God is through his Son.

While I believe that, I believe every American has the right to choose whether he or she wants to believe that. Some people have the notion that if you are a Christian who believes in the Bible, you are totally intolerant, you do not allow other people to have a choice. Nothing can be further from the truth.

The nations of this world where Christianity is the dominant way of worship, we also find Jewish synagogues, we find Islamic mosques, we find freedom of worship. You will not find the same kind of things in the militant Islamic nations of this world. They do not allow Christian churches. They do not allow synagogues to open freely. They do not allow people the freedom. They persecute people. So one of the reasons America is hated so much is that we have allowed people through the years to choose what they are going to do. It is their choice.

The second reason we are hated so much is we have opened the door for people to achieve their God-given place on this Earth. We have not restrained people. We have allowed people freedom of expression, the freedom to pursue dreams, the freedom to pursue goals. This is not true in other places in the world. These freedoms are not found in every nation. America is great because we have magnified the rights of individuals, protected the rights of individuals in our culture. We are careful to allow people to have expressions in our society, and we are hated for it.

The third reason we are hated by these people is because we are a nation of laws. We are a people ruled by laws. Lest one think that is common, go around the world and look at these other countries in the world. Most of the world's countries do not have a 200-year-old Constitution. They are ruled by dictators. They are ruled by the whims of those leaders or by political parties as they change. The rule of law is what makes civilization possible. The rule of law is what makes an orderly society work. If there is no rule of law, the strongest, toughest bully on the block is the one who is running the country. America is a country of law and order. Because of this philosophy of the people who founded our Nation, they believed in the rule of law because of what they knew from the Bible. Our Constitution and the constitutions of most governments around the world, similar to ours, are, indeed, based on the Ten Commandments. Our fathers knew the Ten Commandments and the laws of God should be a basis for all laws. They understood the concept of absolute right and absolute wrong. There were not many who believed in

what we call today situational ethics or where things change according to our needs. They believed in absolute right and absolute wrong. That is the reason we are hated so much as a nation.

We are hated because we are a beacon of light, a beacon of freedom all the way around the world. We know contemporarily what that means. One of the greatest speeches of all time that I remember is a speech that was made by Ronald Reagan. It is called a *Rendezvous with Destiny*. In this speech he talked about—this was back when Castro had first taken over Cuba. He talked about the atrocities in Communist Cuba, and people were trying to escape. One man escaped in a small boat, as many others did. He lived and reached the coast of Florida. As his boat floated up on the coast, he started telling the people who were there about the atrocities in Communist Cuba. A lady responded and said: Well, I guess we in this country do not know how lucky we are. He said: No. It is how lucky we are, because we had a place to escape to.

What he was saying is we were that beacon of freedom. And we are hated because we are a beacon of freedom. That is the third reason for the rest of the world. We are hated because in America we have the freedom of choice, the freedom of worship; we have freedom of expression; we are a nation of laws.

Why was America attacked on September 11? Why did they single us out? America was attacked because of our system of values. It is a spiritual war, not just because we are Israel's best friend. We are Israel's best friend in the world because of the character we have as a nation. One of the reasons God has blessed our country is because we have honored His people.

Right up on there on your desk, Mr. President, you have a Bible. Look up Genesis 12:3. It says, "I will bless them that bless you and curse him that curses you."

He was talking about Israel. One of the reasons America has been blessed abundantly over the years is because we as a society have opened our doors to the Jewish people. The Jewish people have been blessed in the United States of America.

When the tiny state of Israel was founded in 1948, we stood in beginning with Israel. We were the first country to stand for Israel. And because we took a stand, other nations in the world took a stand. They followed quickly. The United States made it possible for there to be an Israel. We stood with Israel again and again in its fight to survive. Make no mistake about it, it is not just because of our support of Israel, it is what we believe as a nation that caused us to come under attack.

Israel is under attack in the Middle East because it is the only true democracy that exists in the Middle East. There are more than 20 Arab countries

that are in northern Africa and in the Middle East, and nearly every one of those is run by a dictator. Israel is the only true democracy that exists in the Middle East.

Did you know, if you are an Arab in Israel, and you are an Israeli citizen as an Arab, you can vote in the elections? In fact, in the Knesset—that is their Congress—they have a political party that is for Arabs. They have their own party in the Knesset.

Israel is the only true democracy that exists in the Middle East. It has a Western form of government based on the laws we see in the Bible. The laws of God our country is based on are the same laws from which Israel gets its laws—it represents the laws of God. That is the reason it is under attack.

We ought to be Israel's best friend. If we cannot stand for Israel today, can we ever again be counted on as a beacon, a beacon of freedom for the oppressed nations? You may ask, what does this have to do with the attack on America that happened 10 years ago. We are under attack because of our character, and because we have supported the tiny little nation in the Middle East. That is why we are under attack. If we do not stand for this tiny country today, when do we start standing for tiny little countries in the world?

Many years ago, Yasser Arafat and others did not recognize Israel's right to the land, very much like our President Obama. Even today, many do not recognize Israel's right to exist. There are seven reasons I consider to be indisputable and incontrovertible evidence and grounds to Israel's right to the land. You have heard this before, because you heard it from me 10 years ago. It was similar. It is in the RECORD now. I kept it.

Most know this, that they are going to be hit by skeptics who are going to say we are being attacked all because of our support for Israel, and if we get out of the Middle East, all of the problems will go away. That is not so. It is not true. We all know in our hearts it is not true. If we withdraw, it would come to our door. It would not go away.

I have some observations to make about that in a minute. But first, I am going to tell you the seven reasons that Israel has the right to the land. I am saying this because I am still in shock over what happened this last week. But I am relieved from the response we got from this great man, Prime Minister Netanyahu.

Israel has the right to the land—reason No. 1—because of all of the archeological evidence. This is reason No. 1. It supports it. Every time there is a dig in Israel, it does nothing but support the fact that Israelis have had a presence there in that land for over 3,000 years, the coins, the cities, the pottery, the culture. There are other people and other groups there, but there is no mistaking the fact that the Israelis have been present for 3,000 years. It predates

any claim any other people in the region might have. Ancient Philistines are extinct. They are not around anymore. Many other ancient people are extinct. They do not have an unbroken line to this day that the Israelis have.

Even the Egyptians of today are not racial Egyptians of 2,000 years ago. They are primarily an Arab people. The land is called Egypt, but they are not the same racial and ethnic stock as old Egyptians of the ancient world. The Israelis are, in fact, descended from the original Israelites. The first proof then is the archeological proof.

The second proof of Israel's right to the land is the historic one. History supports it totally, completely. We know there has been an Israel up until the time of the Roman Empire. The Romans conquered the land. Israel had no homeland. Although Jews were allowed to live there, they were driven from the land and dispersed in 70 AD and 135 AD. But there was always a Jewish presence in the land. The Turks who took over about 700 years ago and ruled the land up until about World War I had control. Then the land was conquered by the British. The Turks entered World War I on the side of Germany. The British knew they had to do something to punish the Turks and also to break up the empire that was going to be a part of the whole effort of Germany in World War I. So the British sent troops against the Turks in the Holy Land. This is a good one.

Of the generals who led the British into the Holy Land was a guy named Allenby. He was a general. He was a Bible-believing Christian. He carried a Bible with him everywhere he went. He knew the significance of Jerusalem. The flight before the attack against Jerusalem, to drive out the Turks, Allenby prayed that God would allow him to capture the city without doing damage to the holy places.

That day Allenby—this is World War I now, keep in mind. He sent a bunch of biplanes into the Holy Land as a reconnaissance mission. You have to understand, these Turks had never seen a biplane. They had never seen any kind of airplane. They looked up and they saw these cute little machines flying around. They are terrified.

Then they were told that they were being opposed by a man named Allenby. This is a true story. History supports it. Allenby—in their language—means “man sent from God” or “prophet from God.” They dared not fight against a prophet from God. So the next morning, when Allenby went into Jerusalem, he went in, he captured it without firing a shot. And that is history. That is actually what happened. That is the history we are talking about.

Out of gratitude to the Jews, and out of gratitude to the Jewish bankers and the financiers and others who lent the financial help on the homeland, the Jewish people—the homeland that is now Israel, and all of what was then the nation of Jordan, was given to the Jewish people.

The homeland that Britain said it would set aside consisted of what is now Israel and what then was Jordan, the whole thing. That was what the British promised the Jews in 1917. In the beginning, there was some Arab population there and some Arab support for this gift. There was not a huge Arab population in the land at the time. There was a reason for that. The land wasn't able to sustain any kind of a large population. The people didn't have the development needed to handle any kind of population of the land. It wasn't wanted by anyone at that time. Can you believe it wasn't wanted at that time by anyone?

You remember Mark Twain—Samuel Clemens—who wrote “Huckleberry Finn” and “Tom Sawyer.” He took a tour of the Holy Land in 1867. This is what he said about Israel:

A desolate country whose soil is rich enough but is given over wholly to weeds, a silent mournful expanse. We never saw a human being on the whole route. There was hardly a tree or a shrub anywhere. Even the olive and the cactus, those fast friends of worthless soil, had almost deserted the country.

Where was this great Palestine at that time? It wasn't there. The Palestinians weren't there. Palestine didn't exist. Palestine was a region named by the Romans, but at the time it was under the control of the Turks. There was no population there because the land would not support it. There was the Palestinian Royal Commission that was created by the British. It quotes an account of the conditions on the coastal plain along with the Mediterranean Sea in 1913. This is what they said about Israel at that time:

The road leading from Gaza to the north was only a summer track, suitable for transport by camels or carts. No orange groves, orchards, or vineyards were to be seen until one reached the Yavnev village. Houses were mud. Schools did not exist. The western part toward the sea was almost desert. The villages were few and thinly populated. Many villages were deserted by their inhabitants.

The French author Voltaire described Palestine as “a hopeless, dreary place.”

In short, under the Turks, the land suffered from neglect and low population. It is a historical fact. The nation became populated with both Jews and Arabs. The land came to prosper when Jews came back and began to reclaim it. Historically, they began to reclaim it. Even if there had never been any archeological evidence to support the rights of the Israelis to the territory, it is important to recognize that other nations in the area have no long-standing claim to the country either.

This may surprise you. I will say that Saudi Arabia was not created until 1913, Lebanon, in 1920, and Iraq didn't exist as a nation until 1932, Syria until 1941. The borders of Jordan were established in 1946 and Kuwait in 1961.

Any of these nations that would say Israel is only a recent arrival would have to deny their own rights, as they were recent arrivals as well. They didn't exist as countries. They were all

under the control of the Turks. Historically, the land was given to the Israelis in 1917, and then, of course, we know Israel gained its independence in 1948.

So we have the archeological reasons. We have seven reasons. Here is the third reason. The third reason the land belongs to Israel is because of the practical value of the Israelis being there. Israel today is a modern marvel of agriculture. Israel is able to bring more food out of a desert environment than any other country in the world. The Arab nations ought to make Israel their friend and import technology from Israel that would allow all the Middle East, not just Israel, to be exporters of food. So Israel, unarguably, has success in agriculture. They have been able to develop when nobody else has.

The fourth reason I believe Israel has a right to the land is on the grounds of humanitarian concerns. There were 6 million Jews slaughtered in Europe in World War II. The persecution against the Jews was very strong in Russia since the advent of communism. Persecution was against the Jews even before that time under the czars.

These people have a right to their homeland. If we are not going to allow them a homeland in the Middle East, then where? What other nation on Earth is going to cede territory? They are not asking for a great deal. The whole nation of Israel fits into my State of Oklahoma seven times. So on humanitarian grounds alone, Israel ought to have the land.

The fifth reason I disagree with President Obama and think Israel should have the right to the land, without any changes and not going back to 1967, is because it is a strategic ally to the United States. Whether we realize it, Israel is a detriment, an impediment to certain groups hostile to democracies and to those things we believe in, hostile to the very things that make us the greatest Nation in the history of the world. Israel has kept them from taking complete control of the Middle East. If it were not for Israel, they would overrun the region. Israel is our only strategic ally.

It is good to know we have a friend in the Middle East we can count on. They vote with us in the U.N. more than England, Germany, Canada, and France—more than any other country in the world. So they have been our consistent ally for strategic reasons.

The sixth reason Israel should be entitled to the land is that Israel is a roadblock to terrorism. The war we are now facing is not a war against a sovereign nation, it is a fluid group of terrorists moving from one country to another. They are almost invisible. That is whom we are fighting against. We need every ally we can get. If we do not stop terrorism in the Middle East, it will be on our shores. I have said this and said this and said this.

One of the reasons I believe that spiritual door was opened for an attack against the United States is because

the policy of our government has been to ask the Israelis, and demand with pressure, that they not retaliate against the terrorist attacks that have been launched against them.

Since its independence in 1948, Israel has fought four wars, and they were not the aggressor in any of them. Some people may argue that they were the first ones there with Egypt. Everybody knew what was going to happen in Egypt. Israel was attacked in all four cases. Israel won all four wars against the impossible odds. They are great warriors. I have spent some time over there. They consider it a level playing field when they are outnumbered 2 to 1. They are great people.

There were 39 Scud missiles that landed on Israeli soil during the gulf war. Our President asked Israel not to respond. Our policy was trying to get them not to respond. We asked them not to respond. In order to have the Arab nations on board, we asked Israel not even to participate in the war. They showed incredible restraint, and they did not. We asked them to stand back and not do anything over these attacks.

We have criticized them. They have been criticized in our media, local people in television and radio offer criticisms of Israel not knowing the true issues. We need to be informed.

Years ago, I was so thrilled when I heard a reporter pose a question to our former Secretary of State, Colin Powell, during the gulf war. He said:

Mr. Powell, the United States has advocated a policy of restraint in the Middle East. We have discouraged Israel from retaliation again and again and again, because we have said that it leads to continued escalation—that it escalates the violence.

He said:

Are we [the United States] going to follow that preaching ourselves?

Mr. Powell indicated we would strike back. In other words, we can tell Israel not to do it, but when it hits us, we are going to do it. That is one of the reasons I believe the door was opened—because we held back our tiny little friend. We have not allowed them to go to the heart of the problem. This was a mistake.

Terrorism is not going to go away. If Israel were driven into the sea tomorrow, if every Jew in the Middle East were killed, terrorism would not end. You know that in your heart. Terrorism would continue.

It is not just a matter of Israel in the Middle East; it is the heart of the very people who are perpetuating this stuff. Should they be successful in over-running Israel—they will not be—but should they be, it would not be enough. They would never be satisfied. We learned that at Camp David.

The seventh reason—and this will upset some people, but I have to say it, and it is printed up there—that Israel has a right to the land—and this is the most important reason—because God said so. As I said a minute ago, look it up in the book of Genesis. In Genesis 13, verse 14, 15 and 17, the Bible says:

The Lord said to Abram, “Lift up now your eyes, and look from the place where you are northward, and southward, eastward, and westward: for all the land which you see, to you will I give it, and to your seed forever. . . . Arise, walk through the land in the length of it and in the breadth of it; for I will give it to thee.

That is God talking about Israel.

The Bible says that Abram removed his tent and came and dwelt in the plain of Mamre, which is what we call the Hebron, and built there an altar before the Lord. Hebron is in the West Bank, right here on the map. It is this place where God appeared to Abram and said: “I am giving you this land,” the West Bank.

Everybody will yell and scream because I am quoting the Bible, but that is their problem, not mine.

This is not a political battle at all; it is a contest over whether the Word of God is true.

The seven reasons, I am convinced, clearly establish that Israel has a right to the land.

Years ago on the lawn of the White House, Yitzhak Rabin shook hands with PLO Chairman Yasir Arafat. It was a historic occasion. It was a tragic occasion.

At the time, the official policy of the government of Israel began to be “let us appease the terrorists. Let us begin to trade the land for peace.” They tried. This process continued unabated. Here in our own Nation, at Camp David in the summer of 2000—I remember it so well—then-Prime Minister Ehud Barak offered the most generous concessions to Yasir Arafat that had ever been laid on the table.

He offered him more than 90 percent of all of the West Bank territory, sovereign control of it. There were some parts he didn’t want to offer, but in exchange for that, he said he would give up land in Israel proper that the PLO was not even asking for. He also did the unthinkable—we cannot imagine it today. He even talked about dividing Jerusalem and allowing the Palestinians to have their capital in the east. Arafat stormed out of the meeting. Why would he do that? Everything he asked for was offered to him.

A couple months later, there began to be riots and terrorism. The riots began when Ariel Sharon went to the Temple Mount—and we remember this. This was used as the thing that lit the fire and caused the explosion. This is the excuse the terrorists used.

Did you know Sharon did not go to the Temple Mount unannounced? He contacted the Islamic authorities before he went. He secured their permission. He had permission to be there. It was no surprise. Their response was carefully calculated. They knew they would not pay attention to the details. So they would portray this in the Arab world as an attack on the holy mosque. They would portray it as an attack on that mosque and use it as an excuse to riot. We know what happened since that time. Over the following years, during the time of the peace process,

where the Israeli public has pressured its leaders to give up land for peace because they are tired of fighting, there has been increased terror.

It hasn’t helped, hasn’t worked. Nothing worked. It has been greater than at any other time in Israel’s history. Showing restraint and giving in hasn’t produced any kind of peace. It is so much so that the leftist peace movement in Israel didn’t exist because the people felt they were deceived.

They did offer a hand of peace, and it was not taken. That is why the politics of Israel have changed drastically. The Israelis have come to see that “no matter what we do, these people do not want to deal with us. They want to destroy us.” That is why even yet today the stationery of the PLO has upon it a map of the entire State of Israel, not just the tiny part they call the West Bank. They want it all.

The unwavering loyalty we have received from our only consistent friend in the Middle East has to be respected and appreciated by us. No longer should foreign policy in the Middle East be one of appeasement. As Hiram Mann said:

No man survives when freedom falls. The best men rot in filthy jails and those who cried “appease, appease” are hanged by those they tried to please.

Islamic fundamentalist terrorism came to America on 9/11. We have to use all our friends and assets, all our resources, to defeat the satanic evil.

Patrick Henry said:

We will not fight our battles alone. There is a just God who reigns over the destiny of nations who will raise up friends who will fight our battles with us.

He said:

We are not weak if we make a proper use of those means which the God of nature hath placed in our power. The millions of people, armed in the holy cause of liberty, and in such a country as that which we possess, are invincible by any force which our enemy can send against us.

Listen to this:

We will not fight our battles alone. There is a just God who reigns over the destiny of nations who will raise up friends who will fight our battles with us.

He was talking about all of our friends, including Israel. That is what is happening. I thank God Israel is in the battle by our side. It is time for our policy of appeasement in the Middle East and appeasement to the terrorists to be over. With our partners, our victory must and will be absolute.

I mentioned that a few weeks ago I was with Prime Minister Netanyahu in Israel. At that time, he had this growing concern for the land. We did not know what was coming. We did not know what was going to happen. We did not know that which did happen just a week ago was going to happen. I quote from the Associated Press. I am so proud of him. Think of the courage it took for Prime Minister Netanyahu to stand next to the most powerful man in the world and make a statement like this. He said:

[He] sat alongside President Barack Obama on Friday and declared that Israel would not withdraw to the 1967 borders to help make way for an adjacent Palestinian state. Obama had called on Israel to be willing to do just that thing a day earlier.

Prime Minister Netanyahu said his Nation could not negotiate with a newly constituted Palestinian unity government that includes the radical Hamas movement, which refuses to recognize Israel's right to exist.

And its commitment to Israel's destruction.

Those are the seven reasons I believe the land belongs to Israel. We need to respect that, and we need to declare: God bless Israel.

COTE D'IVOIRE

Mr. INHOFE. Mr. President, I know I have a couple more. I would like to cover one last topic because something is about to happen in the next week. Some people are going to be killed. It has nothing to do with Israel; nothing to do with the subject here. It is very serious.

You might recall six different times on the floor of the Senate I have talked about the problems that are taking place in a country in West Africa called Cote d'Ivoire. The fact is we had a President—his name is Laurent Gbagbo—with his wife Simone. They were ruling when an election came along. It was stolen from him by a man named Alassane Ouattara. He is in the northern part of Cote d'Ivoire.

What I have tried to show—I explained well before this all happened, before we got involved, that France and the United Nations and now our State Department are joining in with them. This picture was in yesterday's paper. This is one of Ouattara's death squads that are killing people in Abidjan, which is the capital.

I show this picture. It is one that shows this is still happening today. Reprisal attacks are still being committed by forces loyal to Alassane Ouattara of Ivory Coast 6 weeks after he came to power vowing peace and reconciliation.

It also said that Alassane Ouattara, championed by the French and the United Nations during a deadly post-election conflict, has failed to condemn atrocities against real or perceived supporters of ousted President Laurent Gbagbo.

Those are the death squads of Ouattara. This is a picture of them. You can identify them. They are in there killing people. We don't know how many tens of thousands of people have been murdered in cold blood. Amnesty International came out the other day and criticized the U.N. mission for ignoring pleas for help and failing to prevent the massacre in the town of Duekoue. That is the town of Duekoue. See the charred bodies. People are saying they actually had hogs eating the bodies. This is what Ouattara did in a little town called Duekoue.

I have another picture of what is happening. It is really criminal. These are

all of Ouattara's people. These are the ones our State Department supported, and it is serious. Amnesty reports that a manhunt was launched against Gbagbo loyalists in Abidjan, and several senior officials close to him were beaten in the hours after his arrest.

This is a picture of the Secretary of the Interior. We had a hearing the other day, and our State Department tried to say Ouattara is hiring a lot of the people from the Cabinet of Laurent Gbagbo. There is the Secretary of the Interior. They shot him in the face so it would take a long time to painfully die. He died.

Here is another member of the Cabinet being executed. This is what is going on. Nobody cares. Anyway, I care.

What we are looking at right now is the Ouattaras publicly.

There is a way out of this right now. What has happened is Ouattara is trying to figure out a way to kill the President and the First Lady. I will wind up by letting you know and seeing firsthand what we are talking about.

President Gbagbo is someone I have known quite well. He is a jovial guy. This is a picture as I remember him. I spent a lot of time with him. This is right after his arrest. He was beaten almost to death. We see what has happened to his face.

His wife is a beautiful lady, Simone Gbagbo. I have been with her many times. She is a beautiful lady. She is the First Lady. I first knew her 15 years ago when she was a member of Parliament before they were married. There she is. You will not find a more beautiful lady than that. There she is, after they ravaged their home—Ouattara and the United Nations in agreement with our State Department. This is what she looked like the next day. They went in and grabbed her by the hair and pulled her hair out. You can see other things happened to her.

I hesitate to put up the last photo, but this one you have to put your imagination to work. It takes a lot of imagination to see what is happening. There she is, the beautiful First Lady. You can imagine what happened with all of Ouattara's people around here.

What is the answer? All we have to do is encourage the State Department to take a different stand and say: Let's take the Gbagbos—the President and the First Lady—and allow them to have asylum. I already located a country in Sub-Saharan Africa willing to host them. That is all that needs to happen.

By the time we get back 9 days from now after this recess, both of them will be dead if we do not do something. As we speak right now, they are being tortured.

There we have it. We have an opportunity to do something. We can save not only these people but save those around them who have always loved peace in Cote d'Ivoire.

I yield the floor.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from Illinois.

Mr. DURBIN. Mr. President, first, I thank my colleague from Oklahoma. He and I share a passion and interest in the continent of Africa. He has traveled there many more times than I have. We have talked about the situation on that continent. I give special accolades to him for continuing to raise questions relative to that continent and the people who live there. It is an important part of the world, and for far too long it has been exploited.

I am glad, on a bipartisan basis, we both believe the United States should focus more attention on that important continent. I thank the Senator.

DREAM ACT

Mr. DURBIN. Mr. President, it was 10 years ago I was contacted in my Chicago office by a mom, a Korean American. She had a problem. She had come to this country from Brazil with her young daughter. The family was originally from Korea, but they came to the country from Brazil. Her daughter came at the age of 2 and grew up in Chicago. She was a bright girl with a lot of talent and particularly turned out to be a musical prodigy. By the time she was ready to graduate from high school, she had offers to go to the best music schools—the Manhattan School of Music, the Julliard School of Music.

As she filled out her application forms, there was a little blank that said "citizenship." She turned to her mom and said: What am I supposed to put here? Her mom said: I don't know. We never filed any papers. You were brought in here at the age of 2. We better do something.

Her daughter said: What are we going to do?

Her mom said: We are going to call Senator DURBIN.

They called my office hoping to come up with a solution. Unfortunately, I could not. The law is very clear. She not only would have been deported from America, she would have been deported back to Brazil, a place where the little girl had never lived or a language she never mastered. She was supposed to wait there for 10 years and try to get back in the United States.

It struck me that was unfair. That is when I introduced the DREAM Act. The idea behind the DREAM Act is to give young children who are now in young adulthood a chance to become legal in America. I introduced the bill 10 years ago and called it up several times on the Senate floor in the last 10 years. I think on every occasion we had a majority vote. The last time we had 55 votes of 100 in the Senate, but the filibuster rule requires 60. It fell short of passing.

What the bill says is very basic. The DREAM Act would give students a chance to become legal if they came to the United States as children; they are long-term residents of the United

States; they have good moral character; they graduate from high school; and they complete at least 2 years of college or military service in good standing. It is not too much to ask to give these young people a chance.

Two weeks ago, I reintroduced the DREAM Act with 33 of my colleagues. I am going to do everything I can to pass the legislation this year or next year. This is a matter of simple justice. There is not another situation in America where we hold children accountable for the wrongdoing of their parents except in this case. It is just not fair. These children did not have a vote or a voice in coming to America. They were brought here, and they did the right thing once they came.

They went to school. They did well. They got up every morning and pledged allegiance to the only flag they knew. They sang the National Anthem—the only one they knew. They believed they were really Americans, but a rude awakening came when they came to learn they were not. I guess they might have been viewed more as people without a country.

What will the passage of the DREAM Act bring us other than justice? It will bring us some of the most talented people in America who want to make this a better nation. These are young people who really worked hard. Their parents were immigrants to this country and most of the time had to take very difficult jobs and work extra hard so the kids could finish school. Many of these young people turned out to be excellent students—valedictorians of their classes and stars in many other respects. Now some of them just want a chance to serve in our military. That says a lot about them too, that they are willing to risk their lives for America.

Is there any question about their patriotism or their love of this country or they want to finish college so they can use their skills and education to improve their lives and make this a better nation.

We have the support of the Defense Secretary, Robert Gates, for the DREAM Act, GEN Colin Powell—a man I respect very much—Rupert Murdoch, a very conservative Republican businessman supports it, and CEOs of companies such as Microsoft and Pfizer.

Every day I hear from another one of these dreamers. They come up to me sometimes very quietly and sometimes very publicly and tell me their stories. Just the other day a young man came up to me as I was leaving a speech here in Washington, and he said: Senator, I just want to let you know I am finishing law school. I cannot be licensed in America because I am not an American citizen. I will pursue my education until you pass the DREAM Act.

I thought about it. This poor young man deserves a chance to use his education not just to continue it. That gives me more of an incentive to work on this issue.

Let me tell a story tonight in the few minutes I have about two of these

dreamers. This is Juan Gomez. This handsome young man was brought to the United States from Colombia in 1990 at the age of 2. He is an academic all-star at Killian Senior High School in Miami, FL. He earned close to 2 years of college credit with high scores on 13 advanced placement exams. He scored 1410 out of 1600 on the SAT, and he finished in the top 20 percent of his class. His economics teacher nicknamed him “President Gomez” and said he is one of the best students ever to graduate from Killian High School.

In 2007, during his senior year in high school, he was placed in deportation proceedings. What happened next is an amazing story.

Scott Elfenbein was the student body President at Juan’s high school. He was also Juan’s best friend. He thought it was basically unfair that this young man would be rooted out of school and tossed back into a country he never remembered. Scott started a Facebook page devoted to stopping Juan’s deportation. Here is what he wrote on the Facebook page:

We need your help in saving Juan from being sent to Colombia—a country he doesn’t even remember. For those of you who know Juan, he is the smartest and most dedicated kid you ever met. He deserves more than to just be deported. Many of us owe him. I know he helped everyone one way or another in school. It’s the least we can do for him.

Thanks to Scott’s initiative, 2,000 people joined Juan’s Facebook page. Then Juan’s friends came here on Capitol Hill to lobby for him. They persuaded Representative Lincoln Diaz-Balart and Senator Chris Dodd to introduce a bill to stop his deportation. Representative Diaz-Balart is a Republican, but he is also one of the lead sponsors of the DREAM Act in the House. My good friend and former Senator Chris Dodd is, of course, a Democrat. So it is obvious this isn’t a partisan issue. Republicans and Democrats should basically come together and agree that to punish this young man because his parents came here illegally is fundamentally unfair.

After his deportation was stayed, Juan was admitted to Georgetown University on a full scholarship. He is going to graduate from Georgetown in May. And thanks to Congressman Diaz-Balart, he has a temporary work permit and has been offered a job at a top financial services firm in New York City. Can we use a person with his skill? Of course we can. Every year we import thousands of foreigners on H-1B visas. Do you know why? Because we say we need these bright minds in America. Well, if we need bright minds in America, why are we exporting those who were raised here and who can bring their skills and talents to a better life for themselves and our Nation?

Let me introduce another person to you. Her name is Ola Kaso. She was brought to the United States by her mother from Albania in 1998 when she was 5 years old. Ola is a senior in high

school in Warren, MI. She is the valedictorian of her class. She has taken every advanced placement class offered by her school. She has a 4.4 grade point average—a very bright young lady. Ola is on the varsity cross-country and tennis teams, she is treasurer of the student council and treasurer of the National Honor Society at her school. She tutors students who are learning English. Ola was also a member of her homecoming court. This is a great picture of her. Here she is at her high school at homecoming.

She sent me a letter. She has been accepted into the honors program at the University of Michigan, where she will be a pre-med student. Here is what her letter said:

I aspire to ultimately becoming a surgical oncologist, but more importantly, I intend to work for patients who cannot afford the astronomical fees accompanying lifesaving surgeries, patients that are denied the medical treatment they deserve. My goal is not to increase my bank account; my goal is to decrease preventable deaths. I wish to remain in this country to make a difference.

Do we need her? You bet we do.

Two months ago, Ola was placed in deportation proceedings. Just like Juan Gomez and many other DREAM Act students, Ola’s friends decided to rally behind her. Senator LEVIN, a co-sponsor of the DREAM Act, asked the Department of Homeland Security to reconsider her case. This week, the Department granted a stay of deportation to give her a chance to continue her education. That was the right thing to do. It makes no sense to send someone like Ola, who has so much to contribute to America, to a country she barely remembers.

I introduced the DREAM Act in 2001. Since then, I have met so many of these young immigrant students who are qualified for the DREAM Act. Like Juan Gomez and Ola Kaso, they are Americans in their hearts. They are willing to serve our country and to die for it if we would only give them a chance. Simple justice and fairness requires it.

I ask my colleagues to support the DREAM Act. It is the right thing to do. It will make America a stronger and better nation. One thing I am sure of is that if we give these young dreamers a chance, they won’t let us down.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

HUBERT HUMPHREY CENTENNIAL

Ms. KLOBUCHAR. Mr. President, I would first like to thank the Senator from Oklahoma, Mr. COBURN, for allowing me to take a few minutes to speak about something very important in my State—the fact that tomorrow would be Hubert Humphrey’s 100th birthday.

Hubert Humphrey was our “Happy Warrior” in Minnesota. He was the son of a smalltown South Dakota drugstore owner who lifted himself up through hard work and determination to become the mayor of Minneapolis, a U.S.

Senator representing Minnesota, and the 38th Vice President of the United States of America.

I actually have Hubert Humphrey's desk—something I requested when I got to the Senate. It somehow got in a different category, and for the first 2 years I had the desk of the former Senator from New Hampshire, Gordon Humphrey. But then, lo and behold, with the start of this last Congress, I did get Hubert Humphrey's desk.

I was a senior in high school when Hubert Humphrey passed away, and I can still remember standing in line for his funeral in St. Paul. It was January, and it was one of those days where it was below zero—freezing. Yet there we were, standing outside the State capitol, all of us in our puffy winter jackets, 40,000 people waiting to pay our respects. That is how much Hubert Humphrey was loved in our State, loved enough for people to stand outside for hours in the dead cold of a Minnesota winter.

I can honestly say that Humphrey had an enormous impact on my own views of public service. You can go down the list of landmark Federal legislation in the past 60 years, and his fingerprints are all over them—civil rights, Medicare, nuclear arms control, the Peace Corps, the list goes on and on. Hubert Humphrey's impact continues to be felt in our State.

Humphrey was a compassionate man, but he was no pushover. He never backed down from a fight worth fighting. When he was asked to speak at the Democratic National Convention in 1948, he dove headfirst into one of the most controversial topics at the time—racial inequality. It was a gutsy move, especially considering how divisive civil rights issues were for the Democratic Party. And let's not forget that as a 37-year-old mayor of Minneapolis—and the Presiding Officer can relate to this as a former mayor himself—Humphrey's political career was just getting off the ground. He had a lot to lose. But he was convinced that segregation and Jim Crow were hurting our country, and he was determined to challenge the status quo on the national stage even if it meant risking his political career. That was Hubert Humphrey.

I think the last, most important thing to point out about Hubert Humphrey is that he was above all things an optimist. To this day, the Senate, according to our colleagues, has never seen anyone quite like him—bursting with energy, idealism and hopefulness, a happy warrior.

I have a picture of the "Happy Warrior" hanging in my front office, and it hangs there in a visible place for a good reason. It is because I am convinced that now more than ever our Nation needs a good dose of the hope and optimism that defined Hubert Humphrey's life.

The truth is, we have to go back decades to find a time when we were confronted with so many challenges—two

difficult wars, a crushing debt load, and our quest to end our dependence on foreign oil and develop our own home-grown energy. The way we choose to address these challenges will determine the course of our Nation for decades to come. History will tell us whether we are right or wrong, timid or courageous.

I believe we must choose courage, but not only that, we must also choose optimism. We must take a page from Hubert Humphrey's book and strive for that resilience he displayed in public life. I think about the inscription on his gravestone at Lakewood Cemetery in Minneapolis. It is a quote from Humphrey himself:

I have enjoyed my life, its disappointments outweighed by its pleasures. I have loved my country in a way that some people consider sentimental and out of style. I still do. And I remain an optimist with joy, without apology, about this country and about the American experiment in democracy.

These are words that resonate today, words that remind us of the amazing life and legacy of a man who did so much for the causes of justice, democracy, and accountability. America is a better place for his leadership, and that is why we honor him today.

Mr. President, I again thank my colleague from Oklahoma for allowing me to put in these good words for Senator Humphrey.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

THE BUDGET

Mr. COBURN. Mr. President, I wish to spend a few minutes this evening talking about where we are as a nation.

I have to say I am discouraged at the work of the Senate. If we look around and take in the whole picture here, there is nobody here, essentially, and they are not going to be here for 9 or 10 more days. The question I put forward is, If your own personal household was in trouble, financially or otherwise; if you knew you weren't going to be able to pay the bills; if you knew your credit cards were maxed out, would you just sit on the couch and do nothing or would you work to protect your family? Would you go out and do whatever you could? Would you take advantage of every opportunity to secure the future for your family?

Well, we have big problems in our country, and it doesn't matter how we got here. The fact is, we are borrowing \$4.3 billion a day. The interest on our debt is \$2.8 billion a day. We are at a point where if we don't start making the very difficult decisions for our country despite our fear of the political consequences, we will be like the person who, when his family was in trouble, didn't try to solve the problem.

Mr. President, we don't have a budget. Yesterday we had political votes on budgets, but it was a game. For the last 2-plus years, no budget has come through the Senate. There is a reason

for that, and the American people need to know it is not because of our great budget chairman, whose name is Senator KENT CONRAD. It is not his fault there is not a budget. It is because of the leadership in the Senate. The leadership does not want the votes that come along with a budget. You see, the political thinking is, we don't want any of our members to have to be recorded on things that might affect the next election. So to hell with the country. What is more important is the next election.

What is happening in the Senate is a complete meltdown of the very purpose the Senate was created. The fact is, we had votes on four separate budgets, and let me tell you, what is most astounding is that nobody voted for President Obama's budget. The President of the United States submits a budget to the Congress, and nobody in the Senate agrees to vote for it. How disconnected could that budget be from the realities of what our country's needs are if even the people of his own party won't vote for it? I was inclined to vote for it just so we could have a debate on his budget. But the fact is, we didn't have a debate on any budget.

So as we sit here, we are borrowing \$4.3 billion a day and running a \$1.6 trillion deficit and mortgaging the very future of our children. The very reason we work so hard and the reason we live is to nurture and support those who come after us, and to ignore that responsibility is absolutely uncalled for. Congress deserves every recognition from the American people for being a farce. You can't have the kinds of problems we have in front of us and not attempt to address them.

I want to spend a minute talking to every Medicare patient in the country. I have practiced medicine for 25 years. I have cared for thousands of Medicare patients. I understand, at 63 years of age, with three pretty significant disease processes going on in my own body, about worrying about one's health. I worry about the security around that health. It is important enough to me to really take the medicines and to follow the diet my doctor is offering me now that I am 63. I probably wouldn't have paid attention 20 years ago, but today I am doing that.

The health care that is available to me is important to me, as I know it is to every Medicare recipient out there. But the facts are the following: Politicians want to use Medicare as a tactic to scare people into not doing what we as a nation are going to ultimately do anyway. We will have to fix Medicare. And we can fix it in a way that assures every senior who absolutely needs the help of Medicare and is dependent on Medicare will have that health care. Anybody who says something other than that either cares a whole lot more about themselves and their political career or they are absolutely dishonest, because it is absolutely impossible for us to raise the money to continue to run Medicare the way it is

today. It will change in the next 4 or 5 years no matter what the politicians say, no matter what the next election—it has to change. The good news is we can give as good care or better with fewer dollars if we will make the right changes in Medicare.

What most Medicare patients don't understand is that \$1 out of every \$3 spent on Medicare is not going to help you get better and isn't preventing you from getting sicker. Those are facts. They are backed up by four studies now, four long-term studies. If \$1 out of every \$3 is going into Medicare and it is not effective in actually helping you with health care, and that \$1 out of every \$3 we are borrowing from the Chinese this year to keep Medicare afloat—and that is just the hospital system, that is Part A—why would we not want to make the hard choices and fix it?

The reason you are not seeing that come forth is somebody sees an advantage in an election to game Medicare. The fact is, it is not just Medicare that is broken. The whole entire health care system is broken because we do not allow markets to allocate it in an efficient way and we do not hold physicians such as myself accountable to be very frugal with the tests we order and the treatments we order.

As we continue to think about ourselves and say I do not want any change—and that is the other point I want to make. As I get older, I find I resist change more than anything. But the one absolute that is going to happen is that Medicare is going to change and it does not matter what any politician from Washington tells you, it has to change. Otherwise we will be in an absolute depression. We will not be able to accomplish any of the things we are accomplishing now under Medicare. It will change.

If it is going to change, why don't we change it in a way that continues to guarantee the promise of Medicare and puts more of a burden on those who have more dollars with which to do that and takes care of the sickest and poorest the best and puts a greater load on those who have less of a need for Medicare?

Some would say that is not fair. Let me tell you what is not fair. What is not fair is the average American puts \$138,000 into Medicare over their working career and takes \$450,000 out. That is what is not fair. What is not fair is for a 5-year-old to complain about something not being fair. To quote P.J. O'Rourke: "You were born in America. That's not fair." Life is not fair.

The fact is, we have a system that is getting ready to crash and we have a political dynamic that people are actually saying we do not care because we want to win the next election more than we want to fix the problem. That does not apply to everybody, but people who are gaming this issue, people who are scaring people who are on Medicare, lack the integrity and courage to talk about what the real problems are in this country.

The real problems are we have made promises without creating the revenues to pay for it. We can tax 100 percent of all the income of everybody above \$100,000 in income in this country and you will not fix the deficit this year—if you took 100 percent of everything everybody earned over \$100,000—that is how great the problem is. We have a \$14.3 trillion debt that, if in fact the debt limit is extended, will be past \$15 trillion by December. When is it going to stop? When are we going to start thinking about the future of our country and the security of our country instead of the next election and how we can look good as the media plays the game on politics?

It is amazing; today most of the stories in the newspaper were about Medicare and the effect of an election up in New York, a congressional election. I don't think that matters a twit on what is going on in this country. What was not said in the papers is that nobody voted for the President's budget. That was not the headline anywhere. It was not the headline that the Congress does not have a budget. The House has passed a budget. You don't have to agree with it but at least they passed one. But you have all this criticism of a proposed plan that came through the House that actually will solve the problem, make sure everybody on Medicare actually gets the care they want and actually will take \$1 of those \$3 that we are wasting, one out of every three, and put it into actually taking care of patients. But the people who are critical of that plan have no plan themselves. And, if you have a plan, the plan is the following—it is the plan that passed, what we know as ObamaCare, but what is the health care bill that was passed in the last Congress. Here is the plan, just so we understand.

According to the President's speech at Washington University, the plan is that if we have to, we have two mechanisms. He mentioned one of them. He didn't mention the other. We have the Independent Payment Advisory Board. Under the Affordable Care Act, the Independent Payment Advisory Board is mandated to control the growth of Medicare. Here is how it does it. It makes a recommendation on the cutting of payments for Medicare. That recommendation comes before Congress and we either have to accept that or do something similar to that, in terms of the total dollar amounts, to cut back on the payments for Medicare.

What is the No. 1 problem a new Medicare recipient has today? The No. 1 problem new Medicare recipients have today is finding a doctor who will care for them, who will take their Medicare. That is their No. 1 problem. If you think we can take this tremendous unfunded liability and continue to cut—I am not against, as a physician, physicians taking a 5-percent or 6-percent pay cut under Medicare today. I am not against that. But if you think

we can continue to do the savings we are going to have to get out of Medicare by doing that, you will not have anybody taking care of Medicare patients because they will not be able to afford to. Those payments to the physicians are less than 30 percent of the total payments of Medicare.

Then they transfer over to the hospitals, so we are going to cut what we pay to the hospitals. Some hospitals can afford that, some cannot. What happens when the hospitals that cannot afford that close? Where do you get your hospital care? Prescription drugs—we are going to cut the price of prescription drugs. Consequently, no new drugs are coming on line because of the rate of return for the billion dollar cost that it is for any new drug just to get it through the FDA. All of a sudden the things you count on are not there.

Let me mention the second way the President would have us control. That is they have what is called an Innovation Council, under the Affordable Care Act. What is that purpose? The purpose of the Innovation Council is to decide whether Medicare can afford new innovation in medicine to be offered to Medicare patients. That is the same thing as saying: Here is a new drug, it will cure your breast cancer, but we don't think we can afford it so therefore it is not available under Medicare. One is direct rationing; the other is indirect rationing. But the fact is we cannot fix Medicare by rationing. You will not fix it that way. What you will do is limit care and limit access—similar to what we have under Medicaid.

If you look at the trustees' report on Medicare, what they are saying will have to happen is that the reimbursement rates under Medicare will end up being lower than the reimbursement rates under Medicaid. That is the answer they have right now.

That is not a good answer. No American thinks that is a good answer. My colleagues on both sides of the aisle do not think that is a good answer. But that is where we are sitting.

I make the point if we do not address Medicare and if we do not address Medicaid and if we do not fix Social Security—and it is true, if Congress had not stolen the \$2.6 trillion from it and it was sitting in an account, we would be in pretty good shape. We would make it another 30 years. But there is a problem in terms of paying back that money. Congress stole the money, spent it, and it is not there. So for us to get the \$2.6 trillion to keep it going until 2036 we have to borrow more money. We have to borrow that \$2.6 trillion. The problem is we are at a debt limit now and we are getting very close to the time when people are going to quit loaning us money.

We can fix Social Security where it is for sure as available as it is today—actually we can make it better for the poorest Americans. We can actually make it better and we can assure that it is going to be working forever. But

that requires change. The political dynamic says don't, you can't touch Social Security.

How fair is that? How fair is not fixing Medicare, not fixing Medicaid, and not fixing Social Security to those who follow us? I am the grandfather of five great-grandkids, wonderful kids; I love them to death. I raised three daughters—actually my wife did most of that hard work and that is why they turned out well. But the fact is, the relationship with your children is a special relationship, but it does not get close to comparing to the relationship to your grandkids. There is not anything I wouldn't do for my grandkids and they kind of know it. They have not taken advantage of it yet, but they know it.

What I would ask is, anybody who is on Medicare today who is listening to this, here is what you need to know. No. 1 is there is nobody in Washington who does not want you to have a secure medical health care system. But the problems with it are so severe that it has to be fixed and it cannot wait. And that requires change. The problems of our country as a whole are so severe that we are not going to be able to borrow the money to pay back what we owe Social Security if we do not fix Medicare and Medicaid because nobody is going to loan it. They are going to say you haven't done what you need to do.

What has to happen is we have to think about our grandkids. I don't like going through change very much but I will tell you there is one group of kids that I will go through change for, I will sacrifice for, I will give something up for me. What we are asking you to give up is the comfort of what you know now, and move to the comfort of something that is going to supply the same thing to you, just in a different way. Anybody who games that will not put forward a solution to the very problems that are in front of us.

To the seniors out there who are on Medicare, nobody is proposing any impact on you today for the next 10 years. Any proposal would be for those people who are 55 and less and we are saying we have to change it so we can keep it. If we do not change it, nobody is going to have it. By the way, we are going to have trouble surviving if we don't change it because we are not going to be able to manage this tremendous amount of debt which is over \$55,000 per man, woman, and child in this country today.

We have to think about our grandkids. We have to quit listening to the political shill who says somebody wants to hurt you. Everybody who has put forward ideas on Medicare has a legitimate basis with which to be critical of any other. But any politician in the Senate or the House who has not put forth their solution to get us out of the problems you should give no quarter to. You should not listen to the first word they say because what they are thinking about is the next election. They are thinking how do I take ad-

vantage, how do I scare you over the next election? Nobody wants to take away health care for our seniors. What we want to do is ensure it is there in the future, and to put forward the idea that the motivation there is to scare you into thinking that somebody wants to disrupt your care, that is just not true.

There could be a great debate, and I started this talk on the fact that there has not been any debate on the problems that are in front of us. There needs to be a great debate. People need to hear what the options are. We need to put a budget on the floor and have the hard debates on it, and take the hard votes, and then try to mix something with the House; otherwise, here is what is going to happen come September—which is not fair to any Federal employee. We are going to have another continuing resolution. That is what is coming because we refuse to have a budget that allows the people who work for you, through the Federal Government, to plan and efficiently carry out what the Congress directs. We are just going to do a continuing resolution. It is a highly inefficient way to run the Government. As a matter of fact, I will tell you that any family who does not run on a budget is set up for getting in trouble.

We are not running on a budget now. The bills are coming in and we have a continuing resolution until September 30. But we do not have a budget, we have no plan, we don't know what we need to do, what are the changes we need to make. We are not listening to the people running the program. We are not listening to the American people as we do that.

We can fix health care in this country. The problem is the cost of health care. The reason it costs so much is that the vast majority of Americans think somebody else is paying the bill.

I will end with this story. I see my colleague from Alabama is here. I have delivered thousands of babies, but there is a particular group I always enjoyed delivering for because they are unique. They were the best purchasers of health care I have ever encountered. They are from a little town called Inola and another called Chouteau, OK, and they are Amish. When they come to buy health care—they don't have health insurance, by the way. Very few of them have a college education. They work with their hands. They are into dairy or carpentry or farming or something, but they work with their hands. They have lots of good common sense.

I can tell my colleagues without a doubt that of the 500 Amish babies I delivered, they bought that service from the hospital, from me, from the radiologist, and from the labs at 40 percent less than anybody else bought it. Why is that? It is because they were great consumers of health care and the money was coming out of their pockets. They didn't think somebody else was paying for it. They knew they were paying for it, so therefore they asked

for a discount. They said: I will pay you cash up front if you give me a discount. By the way, if you want to do this other test, please explain in detail why I should fork out \$100 for another ultrasound. And does my wife absolutely have to have this ultrasound?

When you get questioned that way the doctor says: Well, if you understand that we may miss something but basically everything looks good, then I am fine with that as long as you are fine with that.

The average pregnancy today in the United States has four or five ultrasounds. I was trained without doing any ultrasounds, and I had the same outcomes.

So the point is that we can get better value if we reconnect the purchase of health care with some individual responsibility. If we disconnect that—and that is what we do through private insurance and low deductibles, and that is what we do through Medicare and low deductibles and supplemental policies. We do the opposite of that. Once we have met our deductible, there is no cost. So we are not prudent consumers. As we age, we worry a lot about new symptoms, so we access the health care system. Once you access, the costs just start ticking up.

So the point I make is there are a lot of things we can do better in health care if, in fact, we have market forces and transparency helping us do that. I would suggest we can have a Medicare Program that is efficient, that works, and that doesn't have \$70 billion worth of fraud in it by the end of the year, by the way—\$70 billion, well over 10 percent—and improper payments above 10 percent as well. So \$70 billion in fraud and \$70 billion in improper payments in Medicare. We could solve the problem right there if Congress would do it. But we don't because we would rather have a political game and game people's fears on health care and Medicare than fix the problem.

What I hope seniors will do over this next year, as they hear the politicians make all these wild claims about people's motivations and the damage to Medicare, is when you hear that, think about that in light of your grandchildren. Think about yourself and what you want versus what you want your grandchildren to have because there is no question that the \$14.2 trillion and under the President's budget the \$23 trillion we are going to have at least in 9 more years is going to be paid back by them, not you. What that really means is they are going to have a far lower standard of living than you do so you don't have to get out of your comfort zone.

I trust America a whole lot more than I trust the U.S. Congress. We have a \$1 trillion deficit of common sense in Washington, and we have an excess of common sense outside of Washington. If you will trust your common sense and look at what we are doing, what you will find is we can solve our problems, we can come together as a nation, we can fix what ails us, and we

can do that without destroying the future of our children and grandchildren.

I yield the floor to my colleague from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I ask unanimous consent to enter into a colloquy with Senator COBURN, if he has a moment to stay, for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, Senator COBURN served on the debt commission. Senator COBURN had no burden to run for reelection. I am so glad he did. He is one of the most valuable Members of this Senate.

I have an understanding that the Senator from Oklahoma came here to try to do something about the debt this country faces. Is that fair to say?

Mr. COBURN. That is correct.

Mr. SESSIONS. The Senator believes this Congress has a responsibility to confront what Admiral Mullen calls the greatest threat to our national security, which is our debt.

The Senator also has tremendous experience as a practicing physician. The Senator practiced up until the very day he was elected. How many years ago was that?

Mr. COBURN. Seven years.

Mr. SESSIONS. Seven years ago. He continued to practice even while in the Senate until the bureaucrats made it impossible, I guess, to do so. So the Senator from Oklahoma comes here with practical experience, a brilliant mind, and a committed vision for America.

I appreciate the Senator sharing his frustration about what has occurred this week.

This is a quote that was in the Wall Street Journal by Democratic Senate strategists about this scheme and plan that was offered in four votes yesterday—votes the majority had conceived in such a way that they were guaranteed to fail and nothing was going to happen. It was a guaranteed plan to ensure nothing would happen. This is what the journal said about it:

As a political matter, Democratic strategists say there may be little benefit in producing a budget that would inevitably include unpopular items.

The Senator is famous for telling the truth. If he would, I would like him to respond to that. What does that say about our Senate, that the Democrats say there would be little political benefit in producing a budget that might include unpopular items? Doesn't a tough budget that gets us on the right path have to have some things in it that some people might not like?

Mr. COBURN. Well, to my colleague, through the Chair, I would answer, What is our obligation? Is our obligation to win the next election or is our obligation to solve the problems in front of our country? It is not even a matter of having votes. We can't even get bills on the floor for the Members that actually would save some money right now.

Let me give an example. We had the small business bill up—the only thing we have done of significance since we have been back in this session. It took 2 weeks to get a bipartisan amendment that would save \$5 billion out of the duplication that was reported by the Government Accountability Office—hundreds of billions of dollars. It took 2 weeks to finally get a vote on that. My colleague from Virginia and I co-sponsored that. It won. That is one of the reasons we didn't finish the bill, is because they don't want to do that. They don't want to make the hard choices. So it is an abrogation of our responsibility to not do the hard part that comes with the job.

The job comes with a whole lot of rasping on your skin. You are going to get criticized. But the ultimate fatal criticism is to make a choice not to get—put yourself in a position to be criticized. So what we are saying is we are going to do nothing. We are not going to do what we are constitutionally supposed to do by April 15 every year; that is, have a budget. We are not going to debate the issues. We are not going to cast our votes because somebody may affect somebody's election outcome. How big of cowards are we that we can't defend the vote we make? I don't have any problem. You throw the hardest vote from the other side at me, and I will make a decision on it, whether I think it is right or wrong, and then I will defend it. But to not vote at all is an absolute abrogation of our oath, and that is the leadership we are experiencing. It is not just Democratic leadership. We have some on our side who don't want to cast hard votes either.

The point is, the American people need us to be casting hard votes now. Our problems are greater than at any time since World War II. The challenge to our country is greater than World War II. The outcome of our Republic depends on us solving the very real and urgent and difficult problems in front of us and doing so in a way that preserves the future of this country and reestablishes and reforms us to where we get our mojo back so we can start believing in ourselves again. To not do it and to not have the courage to sacrifice your own position for the betterment of this country—that is what we ought to be about, and I don't see that.

Mr. SESSIONS. Let me ask the Senator. The Senator just won an overwhelming reelection. There is not a Senator here, I don't think anybody would dispute, who has been more frank in expressing the need that all of us are going to have to rein in our spending and who shared that directly with his constituents. When they have asked for things, the Senator from Oklahoma has tried to help them, I know, but he is frank with his constituents.

Would the Senator share with us what kind of percentage he got in the last election?

Mr. COBURN. I got 71.8 percent.

Mr. SESSIONS. Seventy-one percent. Does my colleague think perhaps that some of us here in Washington are overly afraid of being frank and truthful with our constituents about the challenges America faces?

Mr. COBURN. Well, I would answer through the Chair that I think we are perplexed. We know intellectually that there is a big problem, and we have this challenge: Do I go down this path and do the best thing for the country or do I go down this path to do the best thing for me?

I look at politics differently than most of our colleagues. To the Senator from Alabama, I would say I don't really care whether I am here; I care whether America is here. But the point ought to be, how do we secure the vote and how do we establish trust with the American people?

If my colleague will go with me—and I know he knows this—look at the confidence in the Congress of the people in this country. Why is there a lack of confidence? Why is it that 80 percent of the people of the United States didn't have any confidence in Congress? I can tell my colleague why. It is because we have milked trust and credibility from those very people.

I get letters all the time from people who disagree with me. They will write me, and I actually—I am involved in every answer to every inquiry that comes into my office. I actually read them because I want to know what the people from Oklahoma say. But even though they disagree with me, they vote for me because they trust me because I am not gaming them as they have seen with the gaming on Medicare.

Our problems are real. The solutions are difficult. But America can overcome that if we come together. If we stay divided as we have seen here with no budget votes, no hard votes, and we try to game it politically, what we are doing is undermining our country's future. It doesn't matter who wins the next election; what we need to do is save America.

Mr. SESSIONS. Mr. President, the Senator has served on the debt commission. I know there has been a concerted effort to blame and exaggerate and distort the House budget, particularly as it refers to Medicare.

Again, quoting Democratic Senate strategists, this is what the Wall Street Journal said:

Many Democrats believe a recent House GOP proposal to overhaul Medicare is proving to be unpopular and has given Democrats a political advantage. They are loath to give that up by proposing higher taxes.

Which they would prefer as a solution.

Senate Democrats plan to hold a vote on the Ryan plan . . .

Which they did yesterday—

. . . hoping to force GOP Senators to cast a vote on the Medicare overhaul that could prove politically difficult.

I say to Senator COBURN, you served on the debt commission. This is what

your commission chairman said in a written statement after PAUL RYAN and the House Republicans produced their budget:

The budget released this morning by the House Budget Committee Chairman PAUL RYAN is a serious, honest, straightforward approach to addressing our nation's enormous fiscal challenges. We applaud him for his work in putting forward a proposal which will reduce the country's deficit by approximately the same amount as the plan of the President's Fiscal Commission.

They also went on to say that if you criticize it, you have a responsibility to offer an alternative.

I say to the Senator, you served with Mr. Bowles. He was a Democratic Chief of Staff to President Clinton and was appointed by President Obama to chair this commission. That does not sound like the things we heard yesterday, attacking the House Ryan budget, does it?

Mr. COBURN. It does not. But it is interesting to note that the President's deficit commission was set up by the President and had six of his nominees on it. It had six Republicans and six Democrats. Five of the six Presidential nominees he nominated agreed with the deficit commission, three of the six Republicans agreed, and three of the Democrats—a pretty good meeting in the middle. Yet the President did not embrace the results of his own commission, did not embrace the results of the people he appointed. So what was the purpose of that exercise? Was it to make political hay or was it to solve the problems?

The fact is, I have five colleagues in the Senate who have been working hard on that over the past 5 months to try to build a bipartisan agreement out of the basis of that. That is what has to happen—except politics.

I go back and just refer to my colleague, if you look at the history of republics, the track record is not very good. The average age of the world's republics is 207 years. That is our average age. We are 27 years past the average. The question is, Can we cheat history? Can we not fall like the rest of the republics over the very same things? They all fell over fiscal issues. They let their spending get out of control, they let their debt get out of control, and then they could not afford the promises they made.

I will say to my colleague, this is not an issue of the budget chairman. This is an issue of the leadership of the Senate that does not want a budget. We ought to be very clear that the American people know that Congress is not doing its job—this body, for sure—because we are not making the hard choices we were sent up here to make. What we are doing is punting. We are going to come to a crisis, and the crisis is going to be painful, and it is going to be much more painful than had we made the hard choices today.

So I want to thank the ranking member of the Budget Committee for his leadership. We can solve any problem in front of us, Mr. Ranking Member,

but we have to do it together, and we cannot deny that the problems exist.

Mr. SESSIONS. I thank Senator COBURN for his leadership. I have watched him with admiration over the years with consistency and fidelity for the national interest to work to bring our spending under control.

I see our colleague, Senator ALEXANDER, in the Chamber, and I will yield the floor. I will just follow up, before I do that, with a quote from Erskine Bowles.

When the President announced his budget not long after the deficit commission he called together had made some pretty good proposals about how to improve fiscal matters in the United States, Mr. Bowles was, obviously, deeply disappointed with what the President submitted and said this plan goes "nowhere near where they will have to go to resolve our [country's] fiscal nightmare."

I think there is a consensus that we are facing a fiscal nightmare. We are going to have to take some serious steps in that regard.

Mr. President, I think there are some other Members who have reserved time. If there are no other Members here who have reserved time after Senator ALEXANDER completes his remarks, I ask unanimous consent that I be recognized at that time.

Mr. ALEXANDER. Mr. President, I will not object. I say to Senator SESSIONS, I think Senator HATCH is expected to come down. That is the only one I know of.

Mr. SESSIONS. As I said, my consent would be that if anyone has reserved time, they would get it before I will speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I congratulate Senator SESSIONS and Senator COBURN for their principled remarks about the phenomenon of Washington spending. We are borrowing 40 cents of every dollar we spend. We cannot keep spending money we do not have. And we want to save Medicare. So those two major difficult decisions are things that we need to work on together—to stop spending money we do not have and saving Medicare. We can do both if we put our minds to it.

Mr. President, I ask unanimous consent to speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, if you would let me know when 1 minute remains, I would appreciate it.

JOB PROTECTION ACT AND THE NLRB

Mr. ALEXANDER. Mr. President, last month the Acting General Counsel of the National Labor Relations Board (NLRB) filed a complaint against the nation's largest exporter, the Boeing company—a company with 170,000-some employees, 150,000 of which in the

United States, who sells airplanes around the world and makes them in the United States. The complaint basically said there was prima facie evidence of illegal discrimination because Boeing has decided to expand and build a production plant in South Carolina. Boeing's main operation is in Washington State, a State without a right-to-work law. In contrast, South Carolina is a State with a right-to-work law. This is notwithstanding the fact that Boeing has already added 2,000 employees in Washington State since announcing its expansion. At the same time, it has nearly finished this new plant in South Carolina, spending \$1 billion, hiring 1,500 construction workers and over 500 employees to work in the facility. Then, all of a sudden, here comes this complaint.

This is not just a South Carolina matter. It affects the entire country and many of us have spoken out about it. I want to review it just for a moment.

This complaint against Boeing is just one indication of the Administration's anti-business, anti-growth, and anti-jobs agenda. That is why Senators GRAHAM, DEMINT, and I—actually there are 35 Senators who are cosponsoring this bill—have introduced the Job Protection Act, to protect right-to-work states and employers from an independent government body run amok.

Our bill preserves the Federal law's current protection of state right-to-work laws in the National Labor Relations Act and provides necessary clarity to prevent the NLRB from moving forward in its case against Boeing or attempting a similar strategy against other companies.

Now it seems the NLRB wants to change the rules governing how and when a company can relocate from one State to another. According to a May 10 internal memorandum from the NLRB General Counsel's Office, they want to give unions power over major business decisions and require companies, such as Boeing, to collectively bargain if it wants to relocate a facility.

As was explained by James Sherk, a senior policy analyst in labor economics, and Hans A. Von Spakovsky, a senior legal fellow at the Heritage Foundation, in a recent article in National Review Online:

NLRB wants to force companies to provide detailed economic justifications (including underlying cost or benefit considerations) for relocation decisions to allow unions to bargain over them—or lose the right to make those decisions without bargaining over them. . . . Either way, businesses would have to negotiate their investment plans with union bosses.

Sherk and von Spakovsky describe this as a "heads I win, tails you lose" scenario for unions. These decisions belong in the corporate boardroom, not at the collective bargaining table.

The goal of this NLRB is to place the interests of organized labor over those of business, shareholders, and economic growth. Their means is to change well-

established law governing business decisions under the National Labor Relations Act.

The Supreme Court has reasoned that “an employer must have some degree of certainty beforehand as to when it may proceed to reach decisions without fear of later evaluations labeling its conduct an unfair labor practice. Under the *Dubuque Packing* case and subsequent NLRB jurisprudence, a company may make a major business decision, such as relocation, outside of collective bargaining. Accordingly, the burden is initially on the NLRB’s General Counsel to establish that an employer’s decision to relocate work is unaccompanied by a basic change in the nature of the employer’s operation, such as being part of an overarching restructuring plan.

The *Dubuque* test was most recently applied by the NLRB in holding that an employer, *Embarq Corporation*, did not violate the law by refusing to provide information about or bargain over a planned relocation of its Nevada call center to Florida. Both of those happen to be right-to-work States, as Tennessee is.

In a concurring opinion, NLRB Chairman Liebman expressed her desire to change the rules governing relocation decisions and collective bargaining. The Chairman noted her displeasure that, in her words, “the law does not compel the production of” information fully explaining the underlying cost or benefit considerations of a company’s relocation decision. The Chairman then suggested requiring employers to provide unions with economic justification wherever there was a “reasonable likelihood” that labor-cost concessions might affect an impending decision to relocate.

In practice, the burden would shift to the employer, before making its relocation, to advise and explain to its union the basis for its decision, supported by detailed economic justification. Then, if it does turn on labor costs, the employer would be required to provide the union with information supporting the labor cost/savings underlying its decision. If the employer failed to provide such information and labor costs were a factor, it would be precluded from making those decisions without collective bargaining.

Following this decision against *Embarq Corporation*, the NLRB Associate General Counsel issued an internal memorandum on May 10 suggesting that Chairman Liebman’s new test should now be examined and considered in all cases concerning relocations that come before the board.

Now, I am all for requiring employers to provide advance notice to their labor organizations and offering the economic reasons for a proposed relocation, a shutdown, or a transfer of existing or future work. Providing notice and reasoning is already required under existing law and jurisprudence. We included this in our Job Protection Act to make sure the spirit of the law was

maintained. But, what the NLRB and Associate General Counsel are now proposing goes much further, changes understood law, and places an unreasonable burden on employers.

As was observed by Sherk and Spakovsky, this new test would raise the costs to businesses by dragging on collective bargaining, by preventing them from legally executing a decision that is in the best interests of their shareholders until bargaining hits an impasse, and by forcing them to provide detailed economic justification and negotiate their investment plans with union bosses before having the right to execute a relocation plan. Effectively, it would give a union a seat at the board of directors through the force of law and tip the scales of justice in their favor. If employers do not comply, then they will lose the right to later claim their relocation decision did not have to be collectively bargained under the National Labor Relations Act.

So as with the NLRB Acting General Counsel’s action against Boeing, this potential new posture by the Office of the General Counsel represents a departure from well-established law. They do not like the outcome, so they want to change the rules and give unions greater leverage over their employers, who provide the jobs in the first place. They are more concerned about producing outcomes that facilitate the collective bargaining process, rather than those that foster economic growth, exports, and jobs.

Those decisions are best left to the owners, officers, shareholders, and directors of businesses, not organized labor or the Federal Government. This potential change in well-established law would be another blow to manufacturing growth and expansion in the United States and further incentive for manufacturers to expand or open a new facility in Mexico, in China, or in India to meet their growing need.

Republicans are not the only ones who are outraged by the direction the NLRB seems to be headed. William Gould, who chaired the NLRB during the Clinton administration, was recently quoted in *Slate* magazine expressing his unease with the board’s action. Specifically, he said, “The Boeing case is unprecedented,” and he “doesn’t agree with what the [Acting] General Counsel has done [by] . . . trying to equate an employer’s concern with strikes that disrupt production and make it difficult to meet deadlines . . . with hostility toward unionism.” That is the Clinton Administration’s NLRB General Counsel.

Coming back to the Boeing issue, which is set to be heard by an administrative judge on June 14, recent comments in the press from an NLRB spokeswoman shed further light on how the board’s agenda flies in the face of the very concept of capitalism.

On May 19, various press outlets quoted this spokeswoman suggesting that the NLRB Acting General Counsel

would drop his case against Boeing if the company agreed to build 10 planes in Washington, rather than 7. Specifically she said:

We are not telling Boeing they can’t build planes in South Carolina. We are talking about one specific piece of work: three planes a month. If they keep those three planes a month in Washington, there is no problem.

So they can build planes in South Carolina, just not the three they had planned. So now the Federal Government or the NLRB is sitting on Boeing’s board and determining the means of production for American industry while the economy continues to struggle. In Tennessee, we have had 24 months of 9 percent unemployment.

Our job is to make it easier and cheaper for the private sector to create jobs. The NLRB is not acting in the best interests of American workers through its continued attempts to depart from well-established law and dictate integral business decisions to companies.

I ask unanimous consent to have printed in the RECORD a memorandum from the Associate General Counsel of NLRB, dated May 10, as well as an article from National Review Online, dated May 16.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF THE GENERAL COUNSEL,
DIVISION OF OPERATIONS-MANAGEMENT
May 10, 2011.

MEMORANDUM OM 11-58

To: All Regional Directors, Officers-in-Charge, and Resident Officers.

From: Richard A. Siegel, Associate General Counsel.

Subject: Submission to Advice of Information Cases in Relocation Situations.

In *Embarq Corp.*, 356 NLRB No. 125 (2011), the Board held that the Employer did not violate Section 8(a)(5) by refusing to bargain with the Union over its decision to close a call center in Nevada and relocate that work to its call center in Florida. Applying *Dubuque Packing Co.*, 303 NLRB 386 (1981), enforced in pertinent part, 1 F.3d 24 (D.C. Cir. 1993), cert. denied, 511 U.S. 1138 (1994), the Board found that, although the decision did not involve a change in the scope or direction of the enterprise, and labor costs were a factor, the relocation was nevertheless not a mandatory subject of bargaining because the Union could not have offered labor-cost concessions sufficient to alter the Employer’s decision. The Board also dismissed an allegation that the Employer had violated Section 8(a)(5) by refusing to provide information relevant to its relocation decision; since the decision was not a mandatory subject of bargaining, there was no obligation to provide information about it.

In a concurring opinion, however, Chairman Liebman suggested that she would consider modifying the *Dubuque Packing* framework with regard to information requests if a party were to ask the Board to revisit existing law in this area. Specifically, she identified an anomaly in present law, which provides somewhat inconsistently that: (1) an employer would enhance its chances of establishing that labor-cost concessions could not have altered the decision, under the *Dubuque Packing* standard, “by describing its reasons for relocating to the union, fully explaining the underlying cost or benefit considerations, and asking whether the union

could offer labor cost reductions that would enable the employer to meet its profit objectives," 303 NLRB at 392, and (2) a union is not entitled to such information if the Board determines in hindsight that the union could not have made sufficient concessions to change the decision and therefore that the decision was not a mandatory subject of bargaining. Chairman Liebman would consider modifying the Dubuque Packing framework by requiring employers to provide requested information about relocation decisions whenever there is a reasonable likelihood that labor-cost concessions might affect the decision. She posits that, if the employer provided the information and the union failed to offer concessions, the union would be precluded from arguing to the Board that it could have made concessions. If, on the other hand, the employer failed to provide such information where labor costs were a factor, it would be precluded from arguing that the union could not have made sufficient concessions.

The General Counsel wishes to examine the concerns raised by Chairman Liebman in *Embarq*, and determine whether to propose a new standard in cases involving these kinds of information requests. That determination will be made based upon a case-by-case review of submissions to the Division of Advice. Therefore, Regions should submit to Advice all cases presenting the question of whether an employer violated Section 8(a)(5) by refusing to provide information related to a relocation or other decision properly analyzed under *Dubuque Packing*.

Signed,

R.A.S.

[From the National Review Online, May 16, 2011]

THE NEW NLRB: BOEING IS JUST THE BEGINNING

(By Hans A. von Spakovsky and James Sherk)

The National Labor Relations Board (NLRB) raised a lot of eyebrows by filing a complaint against Boeing for opening a new plant in a right-to-work state. But that action is just the beginning of the board's aggressive new pro-union agenda. An internal NLRB memorandum, dated May 10, shows that the board wants to give unions much greater power over employers and their investment and management decisions.

Under current NLRB rules, companies can make major business decisions (like relocating a plant) without negotiating with their union—as long as those changes are not primarily made to reduce labor costs. For example, a business can unilaterally merge several smaller operations into one larger facility to achieve administrative efficiencies. Companies only have to negotiate working conditions, not their business plans.

The NLRB apparently intends to change that. In the internal memorandum, the board's associate general counsel, Richard Siegel, asks the NLRB's regional directors to flag such business-relocation cases. Siegel explains that the Board is considering "whether to propose a new standard" in these situations because the chairman of the NLRB, Wilma Liebman, has expressed her desire to "revisit existing law in this area" by modifying the rule established in a case called *Dubuque Packing*.

Apparently, Liebman did not like having to apply the *Dubuque Packing* rules in a recent case involving the *Embarq* Corporation and the AFL-CIO. The NLRB decided that under the *Dubuque Packing* rules, *Embarq* did not violate the National Labor Relations Act by refusing to bargain with the union over its decision to close its call center in Las Vegas (a right-to-work state) and relo-

cate that work to its call center in Florida (also a right-to-work state).

Specifically, the NLRB wants to force companies to provide detailed economic justifications (including underlying cost or benefit considerations) for relocation decisions to allow unions to bargain over them—or lose the right to make those decisions without bargaining over them. It is a "heads I win, tails you lose" situation for unions. Either way, businesses would have to negotiate their investment plans with union bosses. In the concurrence that she wrote in the *Embarq* decision Liebman expressed her displeasure that "the law does not compel the production of" such information to unions.

What Liebman envisions would raise business costs enormously. Current labor law and the attitude of the pro-union NLRB enables unions to drag negotiations on . . . and on . . . and on. Until bargaining hits an "impasse," employers could not legally make any business changes opposed by their union.

The NLRB's goal is not just to prevent companies from investing in right-to-work states. The board apparently also wants to force employers to make unions "an equal partner in the running of the business enterprise," something the Supreme Court ruled in *First National Maintenance Corp. v. NLRB* and is specifically not required by the NLRA. But the board wants business decisions made to benefit unions, not the shareholders, owners, and other employees of a business, or the overall economy. The Boeing charges are evidently just a first step toward that goal.

EXTENSION OF MORNING BUSINESS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that morning business be extended until 9 p.m. with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELECTRIC VEHICLES

Mr. ALEXANDER. Mr. President, Senator CORKER and I had the privilege of being in Chattanooga, Tennessee on Monday for the opening of Volkswagen's North American plant. It was a great day for our country. Here is a major global manufacturer making in the United States what it plans to sell in the United States. We salute Volkswagen. I salute Chattanooga and Tennessee. One-third of the manufacturing jobs in our State are auto jobs. There was a new Volkswagen Passat that gets 43 miles a gallon. That is good news for Americans who are paying \$4 or more a gallon for gasoline.

But as I was there at that celebration for these new fuel-efficient cars, and earlier this week at a hearing of the Energy Committee, I was thinking: What if I were to say to you or to anyone I might see, while you are worrying about \$4 gasoline: Did you know that we have enough unused fuel sitting over here, that is not oil, to power 40 percent of our light cars and trucks at a lower cost?

That is right. We have enough unused power every night to power 40 percent of our light cars and trucks. Every night. We can do that by simply plug-

ging them into the wall. I am talking about electric cars and light trucks that almost every major manufacturer is now beginning to make, and we do not have to build one new powerplant to do it.

Last week Senator MERKLEY and I appeared before the Energy Committee to talk about our legislation, the Promoting Electric Vehicles Act. I said to the Committee: The main differences between the bill this year and the one the Committee reported last year by a vote of 19 to 4, a good bipartisan vote, is that the price of gasoline is higher than it was last year and our bill costs less than it did last year.

Encouraging electric vehicles is an appropriate short-term role for the Federal Government. Our legislation establishes short-term incentives for the wide adoption of vehicles in 8 to 15 pilot communities. Our legislation advances battery research. The \$1 billion that we save relative to last year's bill, we save by avoiding duplicating other research programs.

Finally, if you believe that the solution to \$4 gasoline and high energy prices is finding more American energy and using less of it, as I do, electric cars and trucks are the best way to use less.

Electrifying half our cars and trucks can reduce the use of our foreign oil by one-third, saving money on how we fuel our transportation system and cutting into the billions of dollars we send overseas for foreign oil. So instead of making the speech for the rest of my time, let me tell a short story. It is a story of Ross Perot, the famous Texan, and how he made his money.

Back in the sixties, he noticed that the big banks down in Dallas were locking their doors at 5 o'clock, and the banks had all of these big computers in the back room, and they were locking them up too. They were not using them at night.

So Mr. Perot made a deal with the banks. He said: Sell me your unused computer time. And they did at cheap rates. Then he went to the States and talked to the Governors—this is before I was a Governor—and he made a deal with the States to use that cheap computer time to manage Medicaid data. He made \$1 billion.

In the same way, we have an enormous amount of unused electricity at night. A conservative estimate is that we have an amount of energy that is unused at night that is equal to the output of 65 to 70 nuclear power plants between 6 p.m. and 6 a.m. If we were to use that resource to plug in cars and trucks at night, we could electrify 43 percent of our cars and trucks without building one new powerplant. It is a very ambitious goal, to imagine electrifying half our cars and trucks. It would take a long time to do it, but it is the best way to reduce our use of foreign oil.

I suspect that is the greatest unused resource in the United States. What if someone proposed building 60 or 65 nuclear powerplants. Actually, I proposed

building 100. But if we tried to build 60 or 65 more, it would take us 30 or 40 years and cost us \$½ trillion. That is if we could even do it.

Another reason I think this will work is because it is easy for consumers, and I am one. For 2 years, I drove a Toyota Prius, and it had an A123 battery in it. I increased my mileage to about 80 or 90 miles a gallon. I just plugged it in at night at home. Very simple. I now have a Nissan Leaf. It is all electric. I have an apartment nearby the Capitol. I just plug it in at night. I don't even have a charger. I just plug it into the wall, and I can drive it about 2 hours every day and plug it in at night. I have not bought any gas since January, since I got my Leaf in Washington, DC.

I have had no problems, either with the modified Toyota Prius that I drove for 2 years, or with the Nissan Leaf that I have driven now for about half a year. Almost every car company is making electric cars today or will soon have them on the market.

So if the extra electricity is available—and electric vehicles are easy to use, and car companies are making them, then why do we need for the government to be involved? That is a good question. For one thing, it is the urgency of the problem: \$4 gasoline is killing our economy. It is throwing a big wet blanket over it.

The only solution is find more, use less. This is the best way to use less. To my Republican colleagues, I have said before our Committee, and I would say today what we have been saying for 3 years in our caucus: Find more and use less.

We have criticized Democrats for wanting to use less without really wanting to find more, and we are subject to the same criticism if we want to find more—which I think we should—offshore, on Federal lands, and in Alaska, and then we do not have a credible way to use less. Electric cars and trucks are the best way to use less.

Another criticism is that our bill interferes with the marketplace. It does, but in a short-term and limited way. Short-term incentives for new technologies—to jump-start nuclear energy, to jump-start natural gas truck fleets, to jump-start electric cars and trucks in 4 to 5 years—I think are appropriate, given the urgency of the problem. If I am here in 5 years, I will be the first to say this should be the end of it. If I am not, I will come back and argue for its repeal.

Finally, conservative groups across the country have said national security demands that we do this. Gary Bauer, president of American Values, as well as Richard Land, president of the Ethics and Religious Liberty Commission, endorsed our bill last year, saying that national security concerns overwhelm any opposition to it, and it is the best way to displace our use of oil. That was them talking.

Can we afford it? Well, our proposal is \$1 billion cheaper, it is an authorization bill, and we should be setting priorities.

There is some suggestion that this committee should also appropriate the money. I would respectfully suggest that we are in a 2-year period where we have no earmarks because authorizers didn't like appropriators authorizing. Well, let's be consistent and say to authorizers, "You shouldn't be appropriating." Let's just do the job of authorizing. Senator MERKLEY and I have agreed that we will not try to pass this bill when it comes to the floor unless we can agree to do it in a way that does not add to the debt.

So, in summary, I would say it is time to address \$4 gasoline and high energy prices. To do that, we need to find more American energy—offshore, on Federal lands, and in Alaska—but we also need to use less. The single best way to use less is to jump-start the use of electric cars and trucks. Electricity is just a delivery system. The fuel comes from a whole variety of things: natural gas, coal, and other things.

So we jump-start the use of that huge resource that we have just sitting there unused every single night. Our committee approved this bill once before. The problem is worse today than it was when they approved it last year. The bill costs less than it did when they approved it last year. It is an appropriate role for the Federal Government. We will work to make sure if this body were to pass it that it does not increase the debt.

I urge my colleagues to report the bill to the floor and to consider encouraging electric cars and trucks as the single best way to use less energy and reduce the use and reduce the cost of gasoline.

I thank the Senator from Alabama for his courtesy and for listening to my remarks.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

ADJOURNMENT RESOLUTION

Mr. SESSIONS. Mr. President, today the Senate declined to vote on whether to recess. Someone said the Republicans blocked the Senate from recessing. That is not correct. Republicans wrote a letter to the majority leader and said we should not recess until we have plans set forth and begin to take action to deal with the budget that we have not passed that is required by law to be passed.

That is what was done. So when it comes down to the moment to move to recess and vote to recess, as we are required to do to have a recess, a unanimous consent, or an actual vote, the majority leader chose not to vote. I guess he wanted to protect his members from having to actually be recorded voting to recess this body when we have not done our work.

The Budget Act, in the United States Code, in the Code book, the Budget Act requires that the Senate commence markup hearings in the Budget Com-

mittee by April 1 and that a budget be produced by April 15. Congress does not go to jail if it is not passed, I will acknowledge. There is no fine. Perhaps there should have been.

Congress writes laws. I guess they make sure that no consequences occur when they apply to them and they do not comply with their duties.

The majority leader decided to keep us in pro forma session through the week but to do it in a way that guarantees we will take no action on a budget. This is a sad thing. It is not a little bitty matter. Our Congress knows we are in a serious national crisis. I think we can't deny it, and we have to figure out how to respond to it.

I hope this letter—and I will make it a part of the RECORD—to the majority leader will have some impact on our colleagues and cause them to reconsider the actions that have been taken so far. This is what it says:

DEAR MAJORITY LEADER REID: Today marks the 757th day since Congress last adopted a conference report on a budget resolution. But while the Republican House has met its obligations this year, the Democrat-led Senate remains in open defiance of the law—last year the Senate did not even call up a budget for a vote and this year the Senate Budget Committee has not even marked up a resolution, as required under Sec. 300 of the Congressional Budget Act of 1974.

Despite this dubious distinction, the Senate plans to adjourn for a week-long recess on Friday to coincide with Memorial Day, a holiday that honors our men and women in uniform. As our service members put their lives on the line to defend this nation, surely the least Congress can do is produce a plan to confront the debt that is placing the whole country at risk. House Republicans put forward just such a budget weeks ago—an honest plan for prosperity to overcome this nation's dangerously rising debt, cut wasteful Washington spending, and make our economy more competitive.

But, in this time of economic danger, the Senate continues to stonewall any and all action on a FY2012 budget. For this reason, we respectfully request that you delay any adjournment of this body until you or members of your party in the Senate bring forward a budget resolution and schedule a meeting of the Budget Committee—a power which resides solely with the majority—to work on that budget.

In an interview last week, you stated, "There's no need to have a Democratic budget in my opinion . . . It would be foolish for us to do a budget at this stage." We find these remarks shocking, especially given the state of our fiscal affairs: the co-chairs of President Obama's own fiscal commission recently warned that, if we do not take swift and serious action to address our rising debt, the United States faces "the most predictable economic crisis in its history."

The House completed its work on the FY2012 budget resolution on April 15th. But no budget can become binding until the Senate acts. In our view it would be an astounding abandonment of responsibility for the Senate to go on recess without having taken any steps to produce a budget. We hope that, as required by law and in your capacity as Majority Leader, you change course and follow the example of the Republican-led House and provide the American people with the honest leadership and the honest budget they deserve.

Until a budget plan is made public, and until that plan is scheduled for committee

action, on what basis can the Senate justify returning home for a one-week vacation and recess while our spending and debt continue to spiral dangerously out of control?

We appreciate your thoughtful consideration of this request and welcome any questions you might have.

We are out of sorts. The American people are not happy with this Congress. They say our polling numbers are the lowest they can get. In last fall's election, there was a shellacking, particularly of the big spenders, the ones who want to have more government programs and create more debt. There was an accounting and I guess there will be an accounting in the next election and we all better be sure we have tried to respond faithfully to the challenges America faces.

What has happened this week is a mockery, a sham, a joke. We had four votes yesterday. Each one of them was carefully and sophisticatedly structured to fail. The one that failed the biggest was President Obama's budget. It was voted down unanimously by this body, with zero votes. It was all designed to suggest it is impossible for the Senate to pass a budget. But the Senate doesn't even require a supermajority to pass a budget. Under the Budget Act that we have, it provides that it has a preference, has to be brought up properly, and can be passed with a simple majority.

The Democratic majority, similar to Republican majorities in the past, have to choose will they seek to pass a budget that has the broad support of both parties or will they simply use their majority and pass their budget? You should do one or the other. A good, bipartisan budget is always preferable, but sometimes we have different opinions. So if you have a different view from the other party and you can't reach an agreement, you have a majority, you can pass your budget. You know, when you do that, what happens. When you pass your budget, what happens? You lay out for the American people what you believe. It is one thing to criticize someone else, it is another thing to tell the world what you believe. The House has told the world what they think would be an effective budget for the future. What does the Senate say? Nothing. We haven't even commenced a markup in the Budget Committee.

A budget sets forth your vision for the future. It tells how much you want to cut taxes or raise taxes. It tells how much you want to raise spending or reduce spending. It says how much debt you expect to accumulate over the years to come or whether you would reach a surplus or a balanced budget. That is what a budget does. It holds you accountable. You have to defend it. You have to say what it is.

One thing I have been proud about is that the Republicans over in the House met their duty and produced a budget and they are prepared to defend it. Congressman RYAN knows what he is talking about. He worked on that budget and he is prepared to defend it. It

has been terribly misrepresented, but he is prepared to defend it, explain it, and talk to anybody about it.

But if our colleagues in the Senate fail to produce a budget—don't produce one at all—it is kind of hard to hold them to account, isn't it? That is why it is pretty clear that Senator REID said: Why, it is foolish for us to have a budget. It is foolish for us to have a budget because we would then be in a position to be held accountable. Was he talking about foolish for America to have a budget? Was he expressing a view that it is better for America that we have a budget? No. When he said it is foolish for us to produce a Democratic budget, he was talking purely politically. He was saying we think it is smart politics for us not to put our necks on the line to actually expose to the American people what we believe in. We would rather be in a position to criticize those people in the House who actually had the gumption—I guess he would say the foolish sense—to pass a budget and tell the American people what they think.

I have to say that is not a good situation. We didn't have a budget last year. We are not having one this year. Is there any wonder, then, our deficits continue to spiral out of control to a degree that we have never, ever seen before?

Many criticized President Bush—and so did I—for the \$450 billion budget deficit he produced. I thought it was a stunning number. Since President Obama has been President, the budget deficits have been \$1.2 trillion, \$1.3 trillion, and by September 30, it is projected to be about \$1.5 trillion. We will take in \$2.2 trillion this year, we expect, and we will spend \$3.7 trillion. Forty cents-plus of every \$1 we spend is borrowed. We are not confronting that.

So we are taking a recess. When it came time to vote to recess, the majority leader figured out a way to not have to actually vote to go home because, I guess, his Members felt they would be embarrassed if they had to vote to go home after being in violation of the United States Code to produce a budget.

This is not going away. This issue is not going away. Every expert, including the chairman of the fiscal commission formed by President Obama, the chairman of which he appointed Mr. Erskine Bowles, told us in a written statement, delivered by Mr. Bowles and Cochairman Simpson, that this Nation has never faced a more predictable financial crisis. We are heading toward that wall at warp speed. We can have a financial crisis. In fact, Mr. Bowles was asked by our chairman, Senator CONRAD: When do you think this crisis might occur? He said: Two years, maybe less. Alan Simpson said: I think maybe 1 year.

Surely, we have to get off the debt path we are on, spending so much more than we take in, and 40 cents of every \$1 we spend is borrowed and we pay interest on it. The interest has the po-

tential to damage our economy in a very significant and substantial way. It could put us in another recession. That is what Mr. Bowles was talking about—a debt crisis, another recession. Maybe it could be perhaps worse than the one we are in. Our projection for a fragile growth is not coming back as much as we would like it to. One reason, expert economists tell us, is that we are carrying too much debt and that has the potential to pull down our economy.

I think we are in a crisis. I think the economy is so naturally strong, the American people have so many capabilities and such a good work ethic that if we get the economy under control and our fiscal house in Washington under control, I believe the economy will come back. But we need to do it now, and every day we delay increases the risk that we will have a crisis occur.

I thank the Chair. I saw my colleague, Senator KLOBUCHAR. I know she wants to speak tonight. I will repeat that this matter is not over. We are in a long-term battle for the future of America. We are in a long-term battle for the financial security of our Nation. Yes, it is about our grandchildren. But as Mr. Bowles told us and Alan Simpson told us and Alan Greenspan told us, we could have a debt crisis in just a few years. Would that not be a disaster—because of our failure to respond to the extraordinary debt we are incurring, that we have a financial crisis that could put us back into recession. I hope not. I don't think that is going to happen this year, but I don't know. We have been warned it might. It is scary.

So we are going to continue to talk about this. We are going to continue to use the rules of the Senate to try to force the Senate to comply with the rules of the United States Code that says we should have a budget. We have had 757 days without a budget. How many more will it be before we have a budget? We will continue that battle. It is going to be a battle for the financial future of our country. Hopefully, we will be successful and somehow, somehow, as the pressure builds and the American people continue to have their voices heard, the White House, which today has been oblivious to these challenges, that the Democratic Senate, which has been oblivious to these challenges, will somehow get on board and seriously work with the House to confront the challenges we face and put us on a sound path to financial security for the future.

TRIBUTE TO BRADLEY HAYES

Mr. SESSIONS. Mr. President, I rise today to say a few words on the departure of Bradley Hayes, a valued, longtime member of my Judiciary Committee staff. Although I will feel the loss of his knowledge and enthusiasm, I am pleased that he is moving on to a new phase in his career.

Bradley had a wonderful upbringing in his home town of Mobile, AL, and a

stellar academic background. He graduated cum laude with a B.S. in business from Birmingham Southern College. After managing a live music venue in Birmingham for several years, Bradley entered law school at the University of Alabama, where he served as managing editor of the *Journal of the Legal Profession* and was an active member of the moot court board. Immediately after being admitted to the Alabama bar, Bradley joined my staff on the Judiciary Committee.

In the 6 years he was with me, Bradley served at various times as my legislative counsel, senior counsel and deputy chief counsel on the Subcommittee on Administrative Oversight and the Courts. Throughout that time, he has worked to secure our borders, protect our country from the threat of international terrorism, secure the private property rights of artists and inventors in the information age, and eliminate wasteful spending and destructive litigation. Perhaps most importantly, he showed both courage and unwavering leadership during the Senate's debates on comprehensive immigration reform in 2006 and 2007. Bradley's hard work played an important role during the DREAM Act debate last year. Bradley was an effective staffer during debates on the reauthorization of the USA PATRIOT Act in 2005 and 2006. He also participated in the constitutional advice and consent process for four Supreme Court confirmations and countless important executive branch nominations.

I would just conclude by thanking Bradley for his hard work and for his loyalty. He was more than willing to invest the time and effort necessary to handle a breadth of issues, and he did so with great skill, professionalism and integrity. He was with me during some of the most critical times of my career in the Senate thus far, and his insight will be missed. He has been an excellent public servant because he loves his country and understands and defends its exceptional core values. In addition, he is fun to work with. I wish him the best in his new endeavors.

TRIBUTE TO LUIS TIGERA

Mr. DURBIN. Mr. President, I would like to take a moment to congratulate an extraordinary Illinoisan, Luis C. Tigera. After serving with distinction for 26 years with the Illinois State Police, First Deputy Director Tigera is retiring as the highest ranking career member of the organization and the first Cuban American to hold such a position in the agency.

Throughout his time with the Illinois State Police, First Deputy Director Tigera has served in a variety of positions with the organization. He started his career in law enforcement by patrolling the interstate system of the Chicago area suburbs. He worked his way up to overseeing the statewide guns, drugs, gangs and money laundering unit. Mr. Tigera also managed

and regulated the operations of the gaming industry in Illinois. And he served as senior policy adviser to the Illinois State police director.

In addition to his extensive experience in law enforcement, First Deputy Director Tigera was selected to attend the FBI National Academy in Quantico, VA, where he successfully completed executive management training. He also holds a masters degree in criminal justice administration from Lewis University.

One of the reasons the Illinois State Police has grown and flourished under First Deputy Director Tigera's leadership is his commitment to community. He led an initiative to work collaboratively with community groups and others within the public safety arena. He has always emphasized the importance of team-building and problem-solving as he served as second-in-command of a full-service police agency of 3,500 employees. In addition to his leadership in the Illinois State Police, First Deputy Director Tigera is a member of the Illinois Terrorism Task Force, the Governor's Interstate Gun Trafficking Task Force, and previously served as the Chairman of the Board of the Chicago High Intensity Drug Trafficking Area.

First Deputy Director Tigera has been married to Ana for 26 years and is the proud father of two sons, Luis, Jr., who has followed in his father's footsteps by becoming an Illinois State Police trooper, and Zachary.

I would like to congratulate First Deputy Director Tigera on his retirement and thank him for his service to the State of Illinois.

HONORING OUR ARMED FORCES

Mr. COCHRAN. Mr. President, I rise today to pay tribute to the brave men and women who have made the supreme sacrifice of their lives in defense of our Nation. This Memorial Day, I join all Americans in honoring those brave souls.

Over the past decade since the 9/11 terrorist attacks on the United States, men and women of the U.S. Armed Forces have been deployed to fight on our behalf in Operation Enduring Freedom and Operation Iraqi Freedom. Thousands of those courageous servicemen and women have lost their lives as part of these ongoing missions. More than 70 of these warriors called Mississippi home, including 7 brave fighters who have been killed in Afghanistan since we last observed this national holiday. These are the sacrifices that we should keep in mind as we commemorate Memorial Day 2011.

I am deeply grateful to the young Mississippians we have lost over the past 12 months, and my heart goes out to the families and friends they leave behind.

For the record, I now cite the names of these fallen heroes from Mississippi: 1SG Robert N. Barton of Roxie, 35, who died June 7, 2010;

PFC Joshua S. Ose of Hernando, 19, who died September 20, 2010;

PFC William B. Dawson of Tunica, 20, who died September 24, 2010;

SGT Eric C. Newman of Waynesboro, 30, who died October 14, 2010;

1LT William J. Donnelly IV of Pica-yune, 27, who died November 25, 2010;

SSG Jason A. Rogers of Brandon, 28, who died April 7, 2011; and

SSG David D. Self of Pearl, 29, who died May 16, 2011.

While their sacrifices will leave a deep void in many lives, I hope their families can find comfort in the fact that they served proudly and will be counted among the multitude of Mississippians who, over the long history of our great Nation, have bravely served and courageously given their lives for their country.

Mississippians traditionally identify themselves with a strong support of our national defense and a willingness to serve in our Armed Forces. We also hold fast to the memory of those lost in battle.

In fact, Columbus, MS, proudly claims to be the birthplace of Memorial Day, which was originally designated as Decoration Day to decorate the graves of Civil War soldiers. This tradition evolved into Memorial Day, which was recognized as a Federal holiday in 1971.

As we again gather to commemorate Memorial Day, people across Mississippi will stop to reflect on all those who have perished protecting our Nation, whether in battles long ago or in the ongoing conflicts. We will also affirm our belief that Congress should ensure that those who join our Armed Forces will be the best equipped and best trained in the world.

As a veteran of the U.S. Navy, I am thankful for the bravery and dedication of those who have fought and died for our country in our defense. They are true heroes, and we owe them our solemn gratitude for their service and sacrifice.

SERGEANT KEN HERMOGINO

Mr. BENNET. Mr. President, today I rise to remember the life and heroic service of SGT Ken Hermogino, who died on May 10, 2011, in Herat Province, Afghanistan, of injuries sustained when his military vehicle overturned. Fort Carson cannot replace a leader like Sergeant Hermogino. His passing represents a tragic loss for his hometown of Henderson, NV, and for our country.

Sergeant Hermogino's story is uniquely American. Within 2 months of the horrific terrorist attacks of September 11, 2001, that took the lives of nearly 3,000 innocent men, women, and children, Sergeant Hermogino began a military career that would span 10 years and two branches of the armed services. His exceptional character shone in the face of our shared adversity; he chose to serve when his country needed him most.

In 1998, he graduated from Basic High School in Henderson, NV, where he participated in the Marine Corps Junior

ROTC program. This experience allowed him to build up the skills and discipline that would become the foundation of his success in the services. Outside of school, Sergeant Hermogino relaxed by skateboarding, BMX racing, and displaying his talent for fixing just about anything.

Sergeant Hermogino enlisted in the Air Force in 2001, and he served for 8 years as a medical administrator based in the U.S. and Manas, Kyrgyzstan. While he assisted fellow servicemembers suffering from life-threatening wounds, Sergeant Hermogino always felt compelled to expand his contribution. His brother, Marvin Jeff, has said, "He wanted to be more involved."

In 2009, Sergeant Hermogino joined the Army and served in support of Operation Enduring Freedom as a member of the 7th Squadron, 10th Cavalry Regiment, based at Fort Carson, CO. Sergeant Hermogino's bravery and exemplary service did not escape the notice of his commanders. He earned, among other decorations, the Air Force and Army Commendation Medals, the National Defense Service Medal, and the Afghanistan Campaign Medal.

Mark Twain once said, "The fear of death follows from the fear of life. A man who lives fully is prepared to die at any time." Sergeant Hermogino's service was in keeping with this sentiment by selflessly putting country first, he lived life to the fullest. He lived with a sense of the highest honorable purpose.

Today's tribute to the memory of Sergeant Hermogino must also honor his profound love for family. In this spirit, I ask my colleagues to join me in extending our deepest respects and condolences to Norma, his mother, Renato, his father, and to his entire family. Please know that Colorado and Americans across the country are profoundly grateful for Ken's sacrifice. For his bravery in Afghanistan and across the world, he will forever be remembered as one of our country's bravest.

HONORING OUR SERVICE MEN AND WOMEN THIS MEMORIAL DAY

Mr. CARDIN. Mr. President, I rise today to honor the sacrifice of those to whom we are forever indebted: the brave men and women of our Armed Forces, both past and present, who died in defense of freedom. It has been and continues to be their duty, honor, and privilege to serve. With Memorial Day 2011 approaching, it is our duty to pause and honor those who have sacrificed.

Memorial Day has become the unofficial beginning of summer. Schools are beginning to break for summer vacation, community pools are opening for the season, and friends and family are gathering this weekend for barbecues. It is important that we not lose sight of the true nature of this holiday and I encourage all of us to take time to pause and remember the meaning of Memorial Day.

Memorial Day, originally called Decoration Day, is a day of remembrance for those who have died in our Nation's service. Since 1868, this time of year has been designated as a time to pause and honor our war dead. It was officially designated a Federal holiday in 1971. An often overlooked tradition is to have a moment of remembrance specifically at 3 p.m. local time.

Throughout the Nation over this holiday weekend we will see many American flags and flowers adorning the graves of those who have made the ultimate sacrifice for our Nation. I will remember in particular the 104 Marylanders who have been killed in our most recent conflicts, and I will remind myself that our freedom isn't free. I will remind myself of their ultimate sacrifice and I will remind myself of the ongoing sacrifices their families continue to make each and every day.

I am immensely proud of the men and women—fewer than 1 percent of our population—who serve in our All-Volunteer Force. But there is a drawback, of sorts, to having an All-Volunteer Force: the sacrifices of the few are not felt by the many; therefore, they can be overlooked. We mustn't allow this to happen. This environment is much different than the conflicts of the past where nearly everyone had a friend, neighbor, or loved one who wore the cloth of our Nation.

I call on my colleagues and all Americans to remember the true meaning of Memorial Day and take the time to pause and remember those who have made the ultimate sacrifice in defense of our freedom and for the continued success of this great Nation.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, as the Senate prepares to adjourn for the Memorial Day recess, I had hoped that we would be allowed to proceed with the consensus judicial nominees ready for confirmation and who are so needed to fill vacancies on Federal courts around the country. Instead, the Republican leadership's filibuster of the nomination of Goodwin Liu is being supplemented with delays of even those judicial nominations supported by Republican home State Senators and approved by Republicans on the Senate Judiciary Committee. This is too bad.

With judicial vacancies continuing at crisis levels, affecting the ability of courts to provide justice to Americans around the country, I have been urging the Senate to vote on the judicial nominations reported favorably by the Judiciary Committee and pending on the Senate's Executive Calendar. The Senate is recessing with 19 judicial nominations awaiting final action. Of those, 16 are by anyone's definition consensus nominees. All 16 were unanimously approved by all Republican and all Democratic Senators on the Judiciary Committee. Yet they remain stalled without final Senate action.

We should have regular votes on President Obama's highly qualified

nominees, instead of partisan filibusters and more delays. With vacancies still totaling 90 on Federal courts throughout the country with nearly two dozen future vacancies on the horizon, there is no time to delay taking up these nominations. Had we taken positive action on the consensus nominees, vacancies could have been reduced below 80 for the first time in years.

All of the nominations reported by this committee and pending on the Senate's Executive Calendar have been through our Judiciary Committee's fair and thorough process. We review extensive background material on each nominee. All Senators on the Committee, Democratic and Republican, have the opportunity to ask the nominees questions at a live hearing. Senators also have the opportunity to ask questions in writing following the hearing and to meet with the nominees. All of these nominees which the Committee reported to the Senate have a strong commitment to the rule of law and a demonstrated faithfulness to the Constitution. All have the support of their home State Senators, both Republican and Democratic. They should not be delayed for weeks and months needlessly after being so thoroughly and fairly considered by the Judiciary Committee.

They include several nominees to fill judicial emergency vacancies, including Paul Engelmayer and William Kuntz of New York, Michael Simon of Oregon, Richard Brooke Jackson of Colorado, Kathleen Williams of Florida, and Nelva Gonzales Ramos of Texas, as well as Henry Floyd of South Carolina to the Fourth Circuit. The nomination of Professor Liu being filibustered by Republican leadership is also to fill a judicial emergency vacancy.

Those nominees who have the support of home State Republican Senators include Bernice Donald of Tennessee to the Sixth Circuit, Henry Floyd of South Carolina to the Fourth Circuit, Sara Lynn Darrow of Illinois, Kathleen Williams of Florida, Nelva Gonzales Ramos of Texas, John Andrew Ross of Missouri, Timothy Cain of South Carolina, Nannette Jolivet Brown of Louisiana, and Nancy Torresen of Maine. In spite of that support, we are unable to secure consent from the Republican leadership to consider and confirm them.

Of the judicial nominations we have been able to get the Senate to consider this year almost 70 percent were delayed from last year. We have only been able to confirm eight judicial nominees that had hearings and were reported for the first time this year. So when some say we are taking "positive action" on large percentages of nominees, what this shows is how many unobjectionable nominees were stalled last year by objections from the minority.

We could have made significant progress helping Americans seeking justice in our Federal courts before

this recess. Sadly, it is a missed opportunity for Senators across the aisle to have joined together with us and worked with the President to provide needed judicial resources.

50TH ANNIVERSARY OF PRESIDENT KENNEDY'S CALL TO GO TO THE MOON

Ms. MIKULSKI. Mr. President, May 25, 2011, marked the 50th anniversary of President John F. Kennedy's speech that set the original dream of American exploration with a goal of sending a human to the Moon and returning him safely by the end of the decade.

President Kennedy's speech was more than a call for a Moon shot. It was 17 days after Alan Shepard became the second human in space, and the Nation was still recovering from a recession and recovering from the Cuban missile crisis. That year, President Kennedy took the unusual step of coming to Congress in May to address urgent, "extraordinary" national needs. During his speech, he said, "In a very real sense, it will not be one man going to the Moon . . . it will be an entire Nation. For all of us must work to put him there." He sounded the starting gun of the space race. In that race, the United States and its young President were determined to cross the finish line first.

America is no longer in a space race. We are in a race for our economic future. We are not racing other countries. We are racing ourselves. To win this economic race, we must do as President Obama has urged us. We must work together to out-innovate, out-educate, and out-build our competitors. That is why I fight so hard to invest in America's exploration and discovery which creates jobs for today and jobs for tomorrow.

As we were 50 years ago, our space program is embarking on a new journey. This year, after 30 years of great service NASA will retire the Space Shuttle with honor and dignity. We will bid goodbye to this workhorse that launched and fixed Hubble and built the International Space Station.

Last year, Congress gave NASA a new path forward. My colleagues and I fought to pass a new authorization bill. It was not easy. There was confusion and chaos about the path forward, and the austere budget environment required tough choices. The authorization law established a balanced space program. It increased investments in Science and Aeronautics so we can explore the universe, protect the planet, and make air travel safer and more reliable. The bill provided for new Space Technology research and development to make exploring space safer and more efficient. Finally, it gave us a sustainable human space flight program that extends the International Space Station lab to 2020, opens low Earth orbit to commercial providers, for cargo first, then crew, and broadens human reach beyond low Earth orbit.

NASA will begin building our next generation vehicles to go beyond low Earth orbit, the heavy lift rocket and the Orion capsule. The private sector will build commercial cargo and crew vehicles, with NASA providing the venture capital to get cargo and astronauts to the International Space Station while building a whole new industry.

The shuttle is retiring, but our missions in space will sail on. It doesn't matter how we get there. We can't be defined by our Space Transportation System. Our future in space will be built on innovation and discovery from commercial rockets taking cargo and someday astronauts to the International Space Station; to the James Webb Space Telescope discovering new galaxies and new frontiers in science; to new technologies to grab and fix damaged satellites in space with robots.

New technologies don't just happen. They come from American ingenuity that is built on discovery and innovation. They have made America great and they have made us a nation worth imitating.

As we look around the world, we see people who yearn to imitate the democracy we have, who brought down dictators and autocrats with American innovations like Twitter. They believe representative, parliamentary bodies can give them an orderly way to move government forward and will give them better lives, helping them compete in the world economy.

Already, emerging nations, like China, are imitating our investments in discovery and innovation. China is embarking on an ambitious space program that is reaching for the stars with satellites and astronauts. China is increasing its science research budget 20 percent each year, seeking to replicate our National Science Foundation.

I don't worry about being in a race with China or other nations. China can't beat us. We can only beat ourselves by losing our drive to reach for great goals and by failing to invest in the research and development that will help us achieve them. I will keep fighting to for the innovation and discovery that makes America worth imitating.

I believe in the space program. I believe in space technology, in green science that helps us understand and protect the planet, and in heliophysics that studies the Sun so we know when solar storms could knock out the power grid. I believe in the men and women of the space program like the astronauts who risk their lives to extend our human reach in space, the astrophysicists who teach us about dark matter and the origins of the universe, and the machinists who craft the precision robots that explore the universe for us. The men and women of the space program are the best of the American economy, creating jobs for today and jobs for tomorrow.

President Kennedy knew we needed all of the Nation's talents to go safely

to the Moon. Fifty years later, we live in different, and more frugal, times. We must not let our urgent, immediate needs keep us from investing in programs that see results well into the future. While looking toward immediate national needs, President Kennedy also urged investments for the long haul. He wanted the United States to take risks on science that changed the world, putting people on the Moon, and on a civilian weather satellite in space.

While America waits on our new crop of innovations to mature, we will keep reaping the harvest of the discoveries and investments made long ago that have become the Internet, medical imaging like MRIs, and countless other products that help American companies invent new products and create new jobs.

In these frugal times, we should all work together to keep alive President Kennedy's spirit of exploration and discovery and win the future.

INTENT TO OBJECT

Mr. WYDEN. Mr. President, consistent with Senate Standing Orders and my policy of publishing in the CONGRESSIONAL RECORD a statement whenever I place a hold on legislation, I am announcing my intention to object to any unanimous consent request to proceed to S. 968, the PROTECT IP Act.

In December of last year I placed a hold on similar legislation, commonly called COICA, because I felt the costs of the legislation far outweighed the benefits. After careful analysis of the Protect IP Act, or PIPA, I am compelled to draw the same conclusion. I understand and agree with the goal of the legislation, to protect intellectual property and combat commerce in counterfeit goods, but I am not willing to muzzle speech and stifle innovation and economic growth to achieve this objective. At the expense of legitimate commerce, PIPA's prescription takes an overreaching approach to policing the Internet when a more balanced and targeted approach would be more effective. The collateral damage of this approach is speech, innovation and the very integrity of the Internet.

The Internet represents the shipping lane of the 21st century. It is increasingly in America's economic interest to ensure that the Internet is a viable means for American innovation, commerce, and the advancement of our ideals that empower people all around the world. By ceding control of the Internet to corporations through a private right of action, and to government agencies that do not sufficiently understand and value the Internet, PIPA represents a threat our economic future and to our international objectives. Until the many issues that I and others have raised with this legislation are addressed, I will object to a unanimous consent request to proceed to the legislation.

NRA POSITION

Mr. CHAMBLISS. Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated May 26, 2011, from the NRA.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL RIFLE ASSOCIATION
OF AMERICA,
Washington, DC, May 26, 2011.

DEAR SENATOR CHAMBLISS: Thank you for asking about the National Rifle Association's position on a motion to table amendment # 363 to the PATRIOT Act.

The NRA takes a back seat to no one when it comes to protecting gun owners' rights against government abuse. Over the past three decades, we've fought successfully to block unnecessary and intrusive compilation of firearms-related records by several federal agencies, and will continue to protect the privacy of our members and all American gun owners.

While well-intentioned, the language of this amendment as currently drafted raises potential problems for gun owners, in that it encourages the government to use provisions in current law that allow access to firearms records without reasonable cause, warrant, or judicial oversight of any kind.

Based on these concerns and the fact that the NRA does not ordinarily take positions on procedural votes, we have no position on a motion to table amendment # 363.

Sincerely,

CHRIS W. COX.

25TH ANNIVERSARY OF THE AU PAIR PROGRAM

Mr. LIEBERMAN. Mr. President, I would like to bring to the attention of my colleagues a milestone that has been reached by an important cultural exchange program administered by the State Department. In 1986, the United States Information Agency, USIA, exercised its authority under the Fulbright/Hays Act to establish the Au Pair Program on a pilot basis. This initiative was designed to provide opportunities for young Europeans to live with an American family, care for children, and pursue their educational interests.

One of the leaders in developing the concept of the Au Pair Program was the American Institute in Foreign Study, AIFS, located in my hometown of Stamford, CT. AIFS was one of the initial sponsors and worked in connection with the State Department to develop a comprehensive framework that supports American families and foreign nationals.

Over the past 25 years, the Au Pair Program has grown dramatically. Congress assisted in that growth by passing legislation, signed into law by President Clinton in 1997, which gave the Au Pair Program permanent authority under the J-1 visa program. This initiative has proven to be a remarkable success. In fact, over 180,000 au pairs from over 60 countries have lived with an American family for a year since the program's inception.

I can personally attest to the strength and value of the Au Pair Pro-

gram. When our youngest daughter was growing up, Hadassah and I had several au pairs. They became part of our extended family and we still keep in touch with them today. The exchange experience enriched the lives of our au pair and my family through the sharing of culture, language, and religion.

I am pleased the U.S. State Department is holding a reception on June 9, 2011, to celebrate the 25th anniversary of the Au Pair Program. I commend all those who have made this program so successful, and in particular AIFS, for its vision and leadership.

TRIBUTE TO STAFF SERGEANT JOSE PEQUENO

Ms. AYOTTE. Mr. President, I rise today in honor of a real American Hero, SSG Jose Pequeno of my home State of New Hampshire, and his steadfast family. After leaving the U.S. Marines, Jose became one of the youngest police chiefs in the State of New Hampshire. After 9/11, he joined the U.S. Army, and heroically volunteered to go to Iraq. Following an IED explosion, Jose was almost mortally wounded, but fought to live. Now, with the help of his mother and family he continues that battle. This coming Memorial Day weekend, I ask all of us to remember the many servicemen and women and their families who have sacrificed so much for us. As each of our servicemen and women and their families teach us daily about faith and courage, I ask Americans to pray and remember their sacrifice, which continues to ensure our freedom is secure.

Mr. President, I ask unanimous consent that this poem penned by Albert Caswell be printed in the RECORD in honor of all those brave men and women we have lost.

There being no objection, the material was ordered to be printed in the RECORD as follows:

HEAVEN SO HOLD'S

Jose . . .
Heaven . . .
Jose, Heaven . . . so hold's . . .
Heaven, so hold's your place!
For Heaven, is so made . . . so made . . .
All for such men as you Jose, of such splendid grace!
All for such magnificent men, of 'oh so such courageous faith!
Who have such brilliant eyes, which to all hearts such warmth do so bathe . . .
Who but once had such strong arms, hands and legs, to protect all of us from such harm . . .
Who once, upon them . . . so such great burdens were so placed!
Whose entire life has been written with such kindness and courage, that time cannot so erase . . .
And so show us all, just what a magnificent heart can so create!
Whose whole entire life has but been so dedicated, to but protecting the human race . . .
Who so gave, and so marched off to war . . .
And came back home to wear a badge, and so much more . . .
And then to serve once again, to give it all up again and go back to war . . .
To volunteer, and give up all that you so love and so adore!

For there can be no greater gift! No greater love than all of this for sure . . .
To so leave your loved ones, and give up all that you adore!
And yes, Jose, Heaven SO Hold's Your Place!
Ah yes Jose, one day you will so see our Lord's face . . .
And all of those magnificent families . . . like yours
Who had to so worry, and so wait!
Quiet heroes, who had to carry on somehow each day . . .
Praying, not for that one phone call, did they!
Living through, all of that pain and hell and heartache!
For all of them, oh yes yours, Heaven So Hold's A Place!
For they shall too so see, our Lord's face . . .
And, when you came back home Jose, that day . . .
And they so looked upon your once golden face . . .
And so saw what this war had so made!
And they broke down and began to cry!
As they so asked our Lord, why so why?
As they so wept . . . all on that night
But, some things can be only made with faith!
Because Jose, you so made the choice . . .
As it was you Jose, who so heard that inner voice!
As your loved ones too, have so brought their light!
As upon their needs, they asked for courage . . . on high . . .
Is that but not what Heaven is for?
Is that but not true love for sure?
For Heaven So Holds A Place, for all of those who have shown such grace!
Who, will not give up, or in . . . even though each day the worst they so face . . .
Yes, Heaven Holds Your Place!
Amen!

ADDITIONAL STATEMENTS

TRIBUTE TO DAVID C. BAILEY

● Ms. AYOTTE. Mr. President, today I recognize and congratulate Chief of Police David C. Bailey of the Bedford, NH, police department for his 40 years of dedicated service to the law enforcement profession, the town of Bedford, and the State of New Hampshire.

Chief Bailey began his law enforcement career in 1971 as a patrol officer with the town of Bedford; was promoted to lieutenant in 1976; deputy chief in 1981; and as the chief of police in 1989. A native of Bedford, NH, Chief Bailey earned his bachelor's degree from the University of New Hampshire in 1969.

During his long tenure as a police chief, David Bailey has been a leader in promoting community oriented-policing; in improving public safety within the State of New Hampshire; and in promoting sound public policies and practices, which have helped keep New Hampshire one of the safest States in the Nation. From 2002 to 2003, he served with distinction as the president of the New Hampshire Association of Chiefs of Police. Chief Bailey has worked tirelessly with New Hampshire legislators, and other public safety officials, to better the administration of justice.

As Chief David Bailey celebrates his retirement, I commend him on a job

well done, and ask my colleagues to join me in wishing him, his wife Susan, son Nathan, and daughter Jessica, well in all future endeavors.●

IRON HORSE BICYCLE CLASSIC

● Mr. BENNET. Mr. President, today I recognize the Iron Horse Bicycle Classic in which bicyclists race the steam-powered Durango & Silverton Narrow Gauge Railroad from Durango to Silverton. May 28, 2011 will mark the 40th anniversary of this race which is an institution in my home State of Colorado.

This year's race has attracted some 2,500 racers from 44 States and 5 countries and 3,500 riders participating in all of the weekend's many cycling related events.

This race is the third oldest continuously sanctioned bike race in the United States and probably the most grueling of them all. The Iron Horse Classic is a 50-mile race that takes riders over two beautiful mountain passes in Colorado's awe inspiring San Juan Mountains. The race course tops out at 10,860 feet and has a vertical climb of some 6,600 feet for every racer.

The race is one that many professional bike racers compete in at some point in their career with many Olympians, National and World Champions riding in the race over the decades.

Organized for decades by cycling legend Ed Zink of Durango, the Iron Horse Classic is a tremendous asset to all of southwest Colorado. The race's economic impact on our economy is around \$2 million each year and it has donated around \$500,000 to local causes over the years.

As I am sure you can imagine, this is a grueling event for which all riders put in many long months of training.

I am proud to recognize all the riders, staff, volunteers and community members from southwest Colorado who have made the Iron Horse Classic into a premier Colorado cycling event on this its 40th anniversary.●

REMEMBERING F.T. HOGAN H'DOUBLER, JR., M.D.

● Mr. BLUNT. Mr. President, as the Memorial holiday approaches, and the Nation remembers our brave soldiers who have served and are serving in our military, I ask the Senate to join me in remembering a decorated war hero and a fellow Missourian, F.T. "Hogan" H'Doubler, Jr., M.D., who passed away on November 24, 2010.

Dr. H'Doubler was born in Springfield, MO, on June 18, 1925. In December 1942, at the age of 17, he graduated from high school a semester early to enlist in the Navy. He was assigned to the V-12 training program at Miami University in Oxford, OH. He earned his medical degree from the University of Wisconsin-Madison.

After the conclusion of World War II, F.T. "Hogan" H'Doubler, Jr., M.D. entered the Navy as a lieutenant junior

grade in the Medical Corps. During the Korean war, he volunteered with the Fleet Marines, and while treating a wounded marine, he received multiple gunshot wounds and was evacuated from Korea. Because of these injuries, he received a Purple Heart with the Oak Leaf Cluster and a Bronze Star.

Dr. H'Doubler became a Shriner in 1956 and served as Potentate in 1968. He later became the Imperial Potentate of the Shrine of North America from 1980-1981. He was an Emeritus Trustee of Shriners Hospitals for Children, and served as chairman of both the Medical Research Planning Committee and the Budget Committee. He was also a member of the Finance Committee and an Emeritus Representative of the Shriners International. He is credited with starting the Stop Burn Injury Program, which is still active today.

Dr. H'Doubler belonged to many professional organizations, including the American Medical Association, Missouri State Medical Society, Greene County Medical Society, American Thyroid Association, and the American Academy of Alternative Medicine, of which he served as president in 1985.

He is survived by his wife Marie, and his four children: daughters Julie Thomas and Sarah Muegge, and sons Kurt and Charles, and six grandchildren.

I would like to pay tribute to this wonderful man who served his Nation and his community with distinction and achieved the Shriners goal of free orthopedic and burn care for all children. Dr. H'Doubler was always a trusted resource on medical issues on whom I could rely at any time. His insight, his compassion, and his willingness to lead on important issues made him a sought after expert. I always enjoyed spending time with Dr. H'Doubler, and he often took time to mentor me on medical and political topics. He was a remarkable man with a full, rich life, and I was glad to call him my friend.●

REMEMBERING GENERAL MATTHEW BUNKER RIDGWAY

● Mr. BLUNT. Mr. President, when GEN Matthew Bunker Ridgway passed away on July 26, 1993, he was one of the most decorated soldiers in the U.S. Armed Forces. Members of his family, including some of my constituents from Columbia, MO, gather each year. This year, they will honor General Ridgway's leadership, character, and courage as they celebrate the 60th anniversary of his command as Supreme Commander of the United Nations forces in Korea and Supreme Commander of the U.S. Far East Command during the Korean war.

General Ridgway was born on March 3, 1895, in Fort Monroe, VA, to COL Thomas Ridgway and Mrs. Ruth Ridgway. He went to high school in Boston, MA, and afterward planned to follow in his father's footsteps at West Point. Young Matthew failed the math portion of his entrance exam but was

not deterred. He studied harder for his second attempt, passed, and graduated from West Point. In 1917 he was commissioned as second lieutenant. After the disappointment of not being sent into combat during World War I, Lieutenant Ridgway said, "The soldier who has had no share in this last great victory of good over evil would be ruined." After serving on various generals' staffs and commanding the 15th Infantry in Tientsin, China, General Ridgway would get his chance to fight.

In August 1942, General Ridgway succeeded Omar Bradley when he was given command of the 82nd Airborne Division. The 82nd was chosen as one of the Army's five new airborne divisions. The conversion of an entire infantry division to airborne status was an unprecedented and daunting task which Ridgway successfully accomplished. In 1944, General Ridgway helped plan the airborne operations of Operation Overlord, the Allied invasion of Europe. In Normandy, he courageously jumped with his troops, who fought bravely for 33 days in advancing to Saint-Sauveur-le-Vicomte near Cherbourg, France.

In 1950, as the Korean war raged, General Ridgway was given command of the 8th Army. When Ridgway assumed command the 8th Army was in tactical retreat and suffering from low morale. After a successful reorganization of command structure and service at the front lines, General Ridgway had repaired morale among his soldiers. Ridgway shifted tactics and, relying heavily on coordinated artillery, went on the offensive, helping slow and later stop the Chinese at the battles of Chipyeong-ni and Wonju. When General MacArthur was relieved of command in 1951, General Ridgway took the helm as Supreme Commander of U.N. forces in Korea and Supreme Commander of the U.S. Far East Command. Over the next year, Ridgway was responsible for conduct of the Korean war. He also followed General MacArthur as military governor of Japan, where he oversaw the restoration of Japan's Independence and sovereignty. In 1952, he replaced GEN Dwight D. Eisenhower as the Supreme Allied Commander for the North Atlantic Trade Organization, where he was credited for improvements through command structure, forces, facilities, and training. For his last assignment, General Ridgway served as Chief of Staff of the U.S. Army from 1953 until his retirement in 1955.

In retirement, General Ridgway would serve on boards, write, speak to groups, and advise other leaders, including President Lyndon B. Johnson. In 1986, President Ronald Reagan awarded General Ridgway the Presidential Medal of Freedom.

GEN Matthew Bunker Ridgway passed away at his home outside Pittsburgh at the age of 98, on July 26, 1993. He was buried at Arlington National Cemetery, and during his eulogy Colin Powell said: "No soldier ever upheld his honor better than this man. No soldier ever loved his country more than

this man did. Every American soldier owes a debt to this great man.”●

TRIBUTE TO BERNARD “C.B.”
KIMMONS

● Mr. CASEY. Mr. President, today I honor Bernard “C.B.” Kimmons for his life of service and courageous commitment to preventing gang and drug violence at all costs.

C.B. was born in Atlantic City, NJ, on February 13, 1944. Though he originally hails from the Garden State, he came to spend much of his life within the city of Philadelphia, graduating from three Philadelphia area schools: Cardinal Dougherty High School, Saint Joseph’s University, and Temple University Graduate School.

After earning his teaching degree, he further solidified his commitment to Philadelphia by spending 16 years teaching in Ogontz, at General Louis Wagner Junior High. During his tenure at Wagner, he was disheartened to see that many of his students fell victim to social pressures that led to them join gangs. C.B. quickly became an eyewitness to gang-related violence. He knew that his students needed guidance before they became lost within the harsh realities of gang life. As a leader and a role model within the community, he took it upon himself to fulfill this need. He began to educate his students about the dangers of joining gangs with a simple message of respecting law enforcement, parents, clergy, teachers, adults, and fellow young people. His message quickly caught on, and many of his students still remember his influential teaching style.

It was this innovative approach that caught the attention of the Philadelphia school district, under Superintendent Dr. Constance Clayton. C.B. eventually began teaching in different schools across the district under a special antidrug, antiviolence curriculum, many times teaching in up to 15 different schools a week. His message against bullying, guns, drugs, and violence spread across the city and continues to affect countless lives today.

It was during this time that Bernard was given the nickname of “Cool Bernie” or C.B. within some of the rougher neighborhoods he worked. This nickname has grown to illustrate the close nature of his relationships with his students as well as his acceptance as a role model and community figurehead. He goes by that name to this day.

In addition to his work in the public schools, C.B. was also an active volunteer through numerous activities within Philadelphia. In 1967, he served as a citywide gang control worker under the guidance of Zachary Clayton. He then met Dr. Herman Wrice who became his mentor when he joined Mantua Against Drugs. C.B. and Dr. Wrice traveled around Philadelphia trying to clear the streets of gangs and drug dealers to ensure that young adults had a safe haven from violence and

drugs in troubled neighborhoods. C.B.’s commitment to Mantua Against Drugs continues today; he currently serves as the organization’s executive director. From his first taste of volunteerism, C.B. knew he found his passion. He wanted to change the world.

In addition to these efforts, C.B. has personally made himself available to children within the city of Philadelphia through numerous activities. He provides free drug counseling and recently started a multitiered program offering computer skills, document framing, photo-journalism, entrepreneur training, and newsletter creation as an alternative to violent gang behavior. He also leads vigils for young adults who were killed as a direct result of gang related violence.

While C.B.’s efforts to lessen the impact of drug dealers have received considerable praise, they have also attracted the attention of those that would prefer the status quo remain unchanged. On more than one occasion C.B. has had threats against his own life and has been forced to seek police protection. Despite these efforts to undermine his work, C.B. persevered and still today continues to aggressively pursue change within our community.

C.B. has been honored for his work by countless organizations and agencies across the city of Philadelphia and the country. These honors include Time Magazine Local Philadelphia Hero; recognition by the Martin Luther King Center in Atlanta, GA; a 2010 Drum Major Award for Peace given by the Council of Black Clergy of Philadelphia; University of Pennsylvania’s Martin Luther King Award for Community Service and Outreach; winner of University of Pennsylvania’s Crystal Stair Award; the Hero of Peace Award given by Veterans Against Drugs; and the Humanitarian Award given by the Four Chaplains at the U.S. Naval Base. He has also been featured on CNN for his school-based role model program.

Throughout all of his work, C.B.’s efforts have focused on ensuring that children have a chance to succeed despite the challenges and obstacles they face on a daily basis. C.B. has saved numerous lives and continues to protect children of all ages from the ravages he first saw in his early teaching days. As a result of C.B. Kimmons’ hard work, children across Philadelphia are given a chance to succeed and reach their potential.

It is my pleasure to stand today before my colleagues to recognize Bernard “C.B.” Kimmons’ sacrifices, achievements, and ongoing commitment toward bettering the lives of our youth.●

TRIBUTE TO TINE VALENCIC

● Mr. CORNYN. Mr. President, today I wish recognize the achievements of Tine Valencic, a 13-year-old seventh grade student at Colleyville Middle School in Colleyville, TX. Tine recently competed in and won the 2011

National Geographic Bee, held here in Washington, DC. Each year thousands of schools and millions of students in the United States participate in the National Geographic Bee using materials prepared by the National Geographic Society. The contest is designed to encourage teachers to include geography in their classrooms, spark student interest in the subject, and increase public awareness about geography. Schools with students in grades four through eight are eligible for this entertaining and challenging test of geographic knowledge.

Out of a field of 54 contestants, one from each of the 50 States and Territories, Tine won the competition and was the only contestant to correctly answer every question in the final round. In recognition of his success, National Geographic will award Tine a college scholarship worth \$25,000, a lifetime membership in the National Geographic Society, and a trip to the Galápagos Islands with his parents.

The winning question was: “Which South American country is home to the volcano, Tungurahua?” The answer, “Ecuador,” was given correctly by Tine after the runner-up contestant failed to match Tine for a fourth question in a row. Tine is the second Texan to be named national champion in the competition’s 23-year history.

Young Texans, like Tine Valencic, prove that persistence and a thirst for knowledge are the keys to unlocking opportunities for success. I congratulate Tine on this important accomplishment and look forward to seeing his continued achievements.●

TRIBUTE TO MICHAEL J.
FITZMAURICE

● Mr. JOHNSON of South Dakota. Mr. President, today, with great pride, I pay tribute to Michael J. Fitzmaurice who will be retiring at the end of the month after 24 years of service at the Sioux Falls, SD, VA Medical Center.

Michael entered into service with the U.S. Army in October 1969. After completing his basic training at Fort Lewis, WA, and advanced individual training at Fort Knox, KY, he was deployed to Vietnam with the D-Troop 17th Cavalry, 101st Airborne Division. Michael served with great distinction in Vietnam eventually earning our nation’s highest award for valor, the Congressional Medal of Honor, for his heroic actions at Khe Sanh, Vietnam.

Michael received an honorable discharge from the Army on April 7, 1972. In addition to the Medal of Honor, which he was awarded by President Nixon in November 1973, Michael received several other decorations for his uncommonly brave service to our Nation; including the Vietnam Service Medal with Bronze Star, Vietnam Campaign Medal, and the Purple Heart, among others. In recognition of his service, the South Dakota State Veterans Home in Hot Springs was renamed the Michael J. Fitzmaurice State Veterans Home in October 1998.

Following his return from Vietnam, Michael met Patty Dolan, whom he married in July 1973. Michael and Patty would raise two sons, Michael Jr. and Brian. Eager to continue his service to our country after returning home, Michael joined the South Dakota Army National Guard 153rd Engineering Battalion in Huron, SD, in April 1973. Michael continued his service with the South Dakota Army National Guard until his discharge in April 1990. He joined the South Dakota Air National Guard in May 1990 and retired from military service in May 1992 after 23 dedicated years of service to his country.

In addition to serving his country for 23 years in the military, Michael has dedicated his life to the service of his fellow veterans in South Dakota. He is retiring after 24 years of service as a plumber at the Sioux Falls VA Medical Center. He is a lifelong member of the Congressional Medal of Honor Society, Disabled American Veterans, Veterans of Foreign Wars, American Vets, and the 101st Airborne Association.

Michael is a humble man. He is never one to flaunt his heroic actions, nor bring attention to his decorated military service. He would likely rather blend in the crowd with his fellow veterans than be singled out; however, on the occasion of his retirement from the Sioux Falls VA Medical Center, it is appropriate that he be publicly recognized. I commend Michael J. Fitzmaurice for his many years of dedicated service to the State of South Dakota and our nation. Michael, a grateful nation thanks you for your service. Best wishes on your retirement.●

TRIBUTE TO PETER HENRY

● Mr. JOHNSON of South Dakota. Mr. President, today I wish to recognize the career of a dedicated public servant. Peter P. Henry is retiring as director of the Black Hills VA Health Care System in early July, concluding a career in Federal service that spans 41 years in the Department of Veterans Affairs. Peter has spent two lengthy stints at the helm of the Black Hills VA, totaling 16 years of service.

I commend Peter for his dedication, professionalism and steadfast commitment to veterans and their families. I have always appreciated the efforts of the men and women who work in the Black Hills VA Health Care System and exemplify the VA's "Veterans Come First" mission. Patient satisfaction numbers have remained high during Peter's leadership at the Black Hills VA, a testimony to the dedicated work of the staff and administrators at the Hot Springs and Fort Meade facilities.

Over his career, Peter has witnessed a number of changes in the VA system and has deftly guided and implemented these changes within the Black Hills VA. He worked to merge the Hot Springs VA and Fort Meade VA systems into one collective organization,

the Black Hills VA health care system. This action provided a number of challenges including condensing dual missions at two campuses into one mission spanning two facilities.

During his many years of service in the Black Hills, Peter has worked diligently to provide VA services to South Dakota veterans who would otherwise not receive such important care. The number of community based outreach clinics, CBOCs, in the Black Hills VA system has increased during Peter's tenure. Veterans living in rural and reservation areas of South Dakota have much better access to VA health care and specialty services through the CBOCs. The needs of rural and reservation veterans must continue to be addressed so that access to quality VA care is preserved and maintained.

In 1995, Peter provided key leadership with the opening of the Rapid City Community Based Outreach Clinic, CBOC, at a small facility on the South Dakota National Guard's Camp Rapid campus. In a joint agreement between the Guard and the VA, veterans in Rapid City were able to save on mileage and receive routine levels of care. It wasn't long before VA officials realized that the facility was too small to meet the growing demands of veterans in the Rapid City area. A larger facility was opened near private community-based medical facilities. As Peter's career comes to a close, he continues to work to improve the Rapid City CBOC.

Like many agencies, the VA has been asked to do more with less over the years. The Black Hills VA continues to face challenges as it works to meet the complex needs of our ever growing veterans population, including women veterans, younger veterans, veterans with traumatic brain injuries, post traumatic stress disorder and other illnesses. I commend Peter's ability to address these challenges and ensure that South Dakota's veterans are provided the quality care they deserve.

I have always appreciated Peter's insight and input on issues impacting the VA Health Care System, the Black Hills VA, and veterans in general. I congratulate Peter on his many years of federal service and applaud him for his passionate work on behalf of veterans and their families. I wish Peter and his wife Sharon all the best in his retirement.●

WATERTOWN BENEDICTINE SISTERS OF THE MOTHER OF GOD MONASTERY

● MR. JOHNSON of South Dakota. Mr. President, with great honor, today I congratulate the Watertown Benedictine Sisters of the Mother of God Monastery in their celebration of providing 50 years of faith-based service.

Founded in 1961, the Watertown Benedictine Sisters have served in hospitals, schools, prisons, parishes, reservations, and nursing homes in communities throughout South Dakota.

Originally the Watertown Benedictine Sisters focused on serving in elementary and secondary Catholic schools in North Dakota and South Dakota. Many of the children that the sisters have helped can still recount their fond memories of the important and caring deeds that the Sisters preformed.

Today the Sisters work for parish ministries, schools, pastoral care, hospitals, and care facilities. The Sisters, through their 50 years of service, have developed strong ties with the Watertown community and have always offered a hand to those in need.

In honor of this momentous occasion the Sisters plan to host an interfaith discussion of Judaism, Christianity, and Islam, and to create a book detailing the rich history of the Watertown Benedictine Sisters of the Mother of God Monastery.

I am proud to have this opportunity to honor the Watertown Benedictine Sisters of the Mother of God Monastery for their outstanding service. It is an honor for me to share with my colleagues the strong commitment the Sisters have for relentlessly caring for those in need. I strongly commend their years of hard work and dedication, and I am very pleased that their substantial efforts are being publicly honored and celebrated.●

YANKTON, SOUTH DAKOTA

● Mr. JOHNSON of South Dakota. Mr. President, today I recognize the 150th anniversary of the founding of one of South Dakota's great cities, Yankton. Located along the Missouri River, Yankton serves as the county seat of Yankton County and is a source of great history.

Yankton, founded in 1861 and incorporated on May 8, 1862, was the original capital of Dakota Territory. The founders of Yankton derived the city's name from the Sioux expression E-hank-ton-wan, which means "people of the end village." Yankton College, founded in 1881, was the first liberal arts college in Dakota Territory, providing the community with rich opportunities through higher education, continued today through Mount Marty College.

Riverboat Days and the Summer Arts Festival are held every August in Yankton and bring visitors from all over the state to enjoy the scenic beauty and relaxing atmosphere the city has to offer. Yankton is an outdoor enthusiast's dream, offering access to hunting, fishing, golfing, parks, hiking trails, kayaking and canoeing, and other water recreation sports. The Gavins Point Dam makes the city's water recreation possible along with providing hydroelectric power. Yankton is home to the Dakota Territorial museum, which provides a glimpse of the rich history of the Dakota Territory and the events that shaped the Midwest itself. Yankton is also the hometown of perhaps South Dakota's most famous resident, Tom Brokaw, former anchor of the NBC

Nightly News, a graduate from Yankton High School.

Yankton is celebrating its sesquicentennial with a variety of artists playing a diverse selection of music. This three day concert event will honor the people that have made Yankton their home, from the first rugged settlers to the children of today.

Yankton continues to be a vibrant community and a great asset to South Dakota. Yankton boasts a thriving economy, various tourist destinations, and tremendous opportunities for outdoor recreation. I am pleased to recognize the achievements of Yankton, and to offer my congratulations to the residents of the city on this historic milestone.●

TRIBUTE TO RANDY SCHOEN

● Mr. MERKLEY. Mr. President, today I wish to honor the work of Medford Chief of Police Randy Schoen, and all the officers, citizens, dispatchers, and volunteers being recognized at the Medford Police Awards Banquet.

The Medford Police Department is doing its community a great service in holding the annual Medford Police Awards Banquet, acknowledging and encouraging the kind of work that keeps our citizens safe and makes our communities great.

Chief Schoen has contributed much to his department and to the city of Medford, OR. He developed the department's first K9, SWAT, and drug and gang enforcement units. He has used technology to make the department more effective and responsive. He has rolled out programs that have increased the Medford Police Department's efficiency, community involvement, and clearance rates. Chief Schoen is a terrific example of what it means to be a public servant. He is now retiring after 25 years of meritorious service. His hard work will be missed.

Also worthy of praise are the many other individuals being honored at the Medford Police Awards Banquet. These citizens and officers are receiving awards for Outstanding Achievement, Meritorious Lifesaving, and Citizen Recognition. Many of these individuals have risked personal harm to save the life of another, or ensure that justice is done. I thank the Medford Police Department for honoring them.

I join the Medford Police Department and the people of Medford in commemorating the great work of Chief Schoen and all those receiving awards at this banquet. These individuals represent the ideals of civil service, personal heroism, and a just society. I thank them for their service and wish them all the best in their endeavors to come.●

TRIBUTE TO LINDA CANNON

● Mrs. MURRAY. Mr. President, today I honor Linda Cannon, deputy director of intergovernmental relations for the city of Seattle, who is retiring after serving over 35 years with the city.

Ms. Cannon's legacy can be seen throughout the city. She has served for many years as the city's primary contact with the U.S. military as it relates to the base realignment and closure process. The most significant of these projects was her work on the ongoing redevelopment of Sand Point, a former Naval Air Station and later Support Activity Center for the Navy, closed in 1991. Linda served as the key staff person coordinating with the Navy, community members, Native American tribes, and a host of interest groups over the redevelopment of this significant resource. Linda worked to balance all these interests while ensuring that the values of the community were also upheld. The crown jewel of this redevelopment is Warren G. Magnuson Park which honors Washington State's late great Senator Magnuson. Her leadership throughout this process has been critical to its success.

Ms. Cannon also served as a mentor and trusted colleague to hundreds of city staff through the years. She is known for her grace under pressure, her clearheaded approach to problems, and keeping everything in perspective. Her attitude and work ethic always served as a model for those around her.

Ms. Cannon represents the best of public service in this country. Her professionalism, integrity, institutional knowledge, and understanding of the role of public employees in serving the people have been a huge asset to the city and will be sorely missed. There are hundreds of thousands of public servants around the country like Ms. Cannon who are quietly serving their communities every day. We all should be grateful for their dedication and service. I would like to wish Ms. Cannon the best in her retirement and a heartfelt thank you.●

RECOGNIZING BIOVATION, LLC

● Ms. SNOWE. Mr. President, for 25 years, the Smaller Business Association of New England, SBANE, has been recognizing the accomplishments and innovations of small businesses throughout the Northeast with its innovation awards. The Rising Star category is reserved for those small businesses that will have a significant impact in their industry or sector in the near future.

Today I rise to recognize Biovation LLC, a small manufacturing firm in the coastal Maine town of Boothbay that creates antimicrobial chemical and nonwoven fiber products for both food packaging and wound care. Biovation beat out nearly 200 nominees and 20 finalists to win the coveted Rising Star category of the SBANE's Innovation Awards, a truly worthy and aptly named recognition for this up-and-coming firm.

The company was nominated for the SBANE award by the Maine Manufacturing Extension Partnership, MEP, with which it has worked to increase efficiency, productivity and competi-

tiveness. Rosemary Presnar of the Maine MEP has noted that Biovation possesses "a rare combination of engineering capability and entrepreneurial zeal; and they're visionary in applying their technology to develop new products and create new market opportunities." This commitment to improvement is a source of inspiration, and is an example of the blossoming technological and R&D sector that is transforming Maine. Biovation received the award at SBANE's annual gala dinner on May 11 in Massachusetts, joining Maine companies such as Tom's of Maine and Wright Express, which have been recognized in previous years.

Biovation aspires to become a worldwide leader in the product safety and wound care sectors within the next decade, and the company is off to a resounding start. Biovation has developed a process where textile fibers are infused with antimicrobial chemical formulations; these fibers can be used for bandages and dressings to prevent the spread of disease by inhibiting the growth of bacteria and fungi. Clearly, this is a perfect tool for use in hospitals and medical facilities worldwide in efforts to eradicate the transmission of infections between patients.

In April of this year, Biovation shipped out its first orders of food safety products, and by this time next year, it expects to complete contract negotiations with a medical company for its wound care products. Additionally, the U.S. Marines have expressed interest in acquiring absorbent liners to keep soldier's boots dry. Because countries like Iraq and Afghanistan lack the proper infrastructure, it is difficult to use electric dryers for such tasks. Biovation's unique products can provide an affordable, lightweight pad to help our troops stay comfortable during their critical missions in extreme temperatures and conditions.

It will take America's nearly 30 million small businesses working to out-innovate and out-produce the rest of the world to provide for a lasting economic recovery. With companies like Biovation leading the way, I am confident that we are well-poised to move our economy forward. I thank everyone at Biovation for their dedication and forward-thinking, and congratulate them on their success.●

TRIBUTE TO TOM MCAVOY

● Mr. UDALL of Colorado. Mr. President, today I recognize a native Puebloan, sometimes critic, and staple of Colorado's political journalism, Tom McAvoy.

Tom McAvoy has been with the Pueblo Chieftain newspaper in Colorado for over three decades, including 21 years of covering the Colorado statehouse. For the past 7 years, he has served as the Chieftain's editorial research director and a member of its editorial board. He will retire at the end of May, but I hear he will continue to make an occasional appearance in the editorial section.

Tom graduated from Pueblo's Central High School in 1964 and from the Southern Colorado State College in 1968, before going on to earn a master's degree in journalism from Ohio State University. He served in the National Guard after college and went on to work for the Associated Press, joining the Chieftain in 1977.

Coloradans have truly benefited from Tom's canny political analysis over the years. He set the standard for reporters covering State government and politics for regional papers, keeping in mind the big picture for the State even as he paid special attention to what was important from the local angles.

In particular, he has been a faithful fighter for shedding light and stimulating public discourse about the lifeblood of the West: water. In numerous articles and editorials, he has outlined for his readers the issues surrounding and complicating water use in the agricultural heartland that is southern Colorado and served as a megaphone for their interests to legislators.

Tom wrote in an editorial last year, "Our obligation is to the public, not the office-holder." To recognize his committed coverage of the Colorado statehouse, the Colorado Press Association awarded Tom its inaugural Shining Star in 1995 for being the best all-around reporter.

Many reporters who cut their teeth on Colorado politics will tell you that Tom's example and mentorship helped them become better eyes and ears for their own communities.

He also proved that showing up is half the story: there is a legend that the only time Tom ever took a leave of absence is when he came down with the West Nile virus. That dedication to his work speaks of a deep love and sense of responsibility for his hometown community, and it earned him the respect of his peers and his subjects alike.

Southern Colorado will miss Tom McAvoy's voice on the issues that matter to the region, but I have a feeling his wife Sue and their three children will have to share him in retirement with his continued service to his community.●

OIT WOMEN'S SOFTBALL TEAM

● Mr. WYDEN. Mr. President, Oregon Institute of Technology in Klamath Falls has long been a leader in America's effort to develop geothermal energy, and it's also a power in men's basketball, winning national titles in 2004 and 2008.

Now, it is the national champion in women's softball. It is the first women's team to win a national championship at OIT, but I am sure it won't be the last.

The Hustlin' Owls entered the national tournament ranked 18th in the Nation. They came out 1st in the Nation. They were led by a stellar performance from their pitcher and MVP, Jackie Imhof. In the final game, she pitched a shutout, allowing only four

hits and striking out seven. Through the tournament, Imhof was 6-1 with an amazing earned run average of 0.59. Imhof and two other teammates, catcher Kayde Schaefer and shortstop Shauna Collins, made the all tournament team.

Congratulations to coach Greg Stewart and the Hustlin' Owls of OIT. Clearly, they are doing something right at Oregon Institute of Technology.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:27 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1216. An act to amend the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to an authorization of appropriations.

At 8:00 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the amendment of the House to the bill (S. 990) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1216. An act to amend the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to an authorization of appropriations; to the Committee on Health, Education, Labor, and Pensions.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1125. A bill to improve national security letters, the authorities under the Foreign Intelligence Surveillance Act of 1978, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1873. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Fire-Resistant Fiber for Production of Military Uniforms" (RIN0750-AH22) (DFARS Case 2011-D021) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Armed Services.

EC-1874. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Admiral Eric T. Olson, United States Navy, and his advancement to the grade of admiral on the retired list; to the Committee on Armed Services.

EC-1875. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, the National Defense Stockpile (NDS) Annual Materials Plan for Fiscal Year 2012 and the succeeding 4 years, Fiscal Years 2013-2016; to the Committee on Armed Services.

EC-1876. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Requests for Modification or Revocation of Toxic Substances Control Act Section 5 Significant New Use Notice Requirements; Revision to Notification Regulations" (FRL No. 8858-1) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Environment and Public Works.

EC-1877. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; Alabama, Georgia, and Tennessee; Chattanooga; Determination of Attaining Data for the 1997 Annual Fine Particulate Standard" (FRL No. 9312-5) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Environment and Public Works.

EC-1878. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Permits for Construction and Major Modification of Major Stationary Sources of Air Pollution for the Prevention of Significant Deterioration" (FRL No. 9311-9) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Environment and Public Works.

EC-1879. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Determination of Attainment for the Pittsburgh-Beaver Valley 8-Hour Ozone Nonattainment Area" (FRL No. 9313-1) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Environment and Public Works.

EC-1880. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the

report of a rule entitled "Approval and Promulgation of Implementation Plans; Extension of Attainment Date for the Charlotte-Gastonia-Rock Hill, North Carolina-South Carolina 1997 8-Hour Ozone Moderate Nonattainment Area" (FRL No. 9312-9) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Environment and Public Works.

EC-1881. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Adoption of Control Techniques Guidelines for Flat Wood Paneling Surface Coating Process" (FRL No. 9312-7) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Environment and Public Works.

EC-1882. A communication from the General Counsel, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a rule entitled "Court Orders and Legal Processes Affecting Thrift Savings Plan Accounts" (5 CFR Part 1653) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-1883. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—June 2011" (Rev. Rul. 2011-13) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 968. A bill to prevent online threats to economic creativity and theft of intellectual property, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. JOHNSON, of South Dakota, for the Committee on Banking, Housing, and Urban Affairs.

*Timothy G. Massad, of Connecticut, to be an Assistant Secretary of the Treasury.

By Mr. LEAHY for the Committee on the Judiciary.

John Andrew Ross, of Missouri, to be United States District Judge for the Eastern District of Missouri.

Timothy M. Cain, of South Carolina, to be United States District Judge for the District of South Carolina.

Nannette Jolivet Brown, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

Nancy Torresen, of Maine, to be United States District Judge for the District of Maine.

William Francis Kuntz, II, of New York, to be United States District Judge for the Eastern District of New York.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. MURKOWSKI:

S. 1081. A bill to amend titles 23 and 49, United States Code, to streamline the environmental review process for highway projects, and for other purposes; to the Committee on Environment and Public Works.

By Ms. LANDRIEU:

S. 1082. A bill to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; considered and passed.

By Mr. MORAN (for himself and Mr. ROBERTS):

S. 1083. A bill to amend the National Trails System Act to designate the route of the Smoky Hill Trail, an overland trail across the Great Plains during pioneer days in Kansas and Colorado, for study for potential addition to the National Trails System; to the Committee on Energy and Natural Resources.

By Mr. MORAN (for himself and Mr. ROBERTS):

S. 1084. A bill to amend the National Trails System Act to designate the routes of the Shawnee Cattle Trail, the oldest of the major Texas Cattle Trails, for study for potential addition to the National Trails System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. INHOFE (for himself and Ms. SNOWE):

S. 1085. A bill to amend the Clean Air Act to define next generation biofuel, and to allow States the option of not participating in the corn ethanol portions of the renewable fuel standard due to conflicts with agricultural, economic, energy, and environmental goals; to the Committee on Environment and Public Works.

By Mr. HARKIN (for himself and Mr. BLUNT):

S. 1086. A bill to reauthorize the Special Olympics Sport and Empowerment Act of 2004, to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BARRASSO (for himself, Ms. MURKOWSKI, Mr. HATCH, Mr. HELLER, and Mr. ENZI):

S. 1087. A bill to release wilderness study areas administered by the Bureau of Land Management that are not suitable for wilderness designation from continued management as de facto wilderness areas and to release inventoried roadless areas within the National Forest System that are not recommended for wilderness designation from the land use restrictions of the 2001 Roadless Area Conservation Final Rule and the 2005 State Petitions for Inventoried Roadless Area Management Final Rule, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KERRY (for himself, Ms. STABENOW, Mr. BLUMENTHAL, and Mr. CARDIN):

S. 1088. A bill to provide increased funding for the reinsurance for early retirees program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCONNELL:

S. 1089. A bill to provide for the introduction of pay-for-performance compensation

mechanisms into contracts of the Department of Veterans Affairs with community-based outpatient clinics for the provision of health care services, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ALEXANDER (for himself and Mr. CORKER):

S. 1090. A bill to designate as wilderness certain public land in the Cherokee National Forest in the State of Tennessee, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WICKER:

S. 1091. A bill to amend the National Flood Insurance Act of 1968 to include a system for indeterminate loss insurance claims, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CARPER (for himself and Mr. BROWN of Massachusetts):

S. 1092. A bill to address aviation security in the United States by bolstering passenger and air cargo screening procedures, to ensure that purchases of screening technologies are thoroughly evaluated for the best return on investment of the taxpayer's money, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. UDALL of Colorado:

S. 1093. A bill to amend the Internal Revenue Code of 1986 to provide that solar energy property need not be located on the property with respect to which it is generating electricity in order to qualify for the residential energy efficient property credit; to the Committee on Finance.

By Mr. MENENDEZ (for himself, Mr. ENZI, Mr. DURBIN, and Mr. BROWN of Massachusetts):

S. 1094. A bill to reauthorize the Combating Autism Act of 2006 (Public Law 109-416); to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER (for herself, Ms. COLLINS, Mr. KOHL, and Mr. SANDERS):

S. 1095. A bill to include geriatrics and gerontology in the definition of "primary health services" under the National Health Service Corps program; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself, Ms. STABENOW, Ms. MIKULSKI, Mr. CARDIN, and Mr. WICKER):

S. 1096. A bill to amend title XVIII of the Social Security Act to improve access to, and utilization of, bone mass measurement benefits under the Medicare part B program by extending the minimum payment amount for bone mass measurement under such program through 2013; to the Committee on Finance.

By Mr. KYL (for himself, Mr. SESSIONS, Mr. MCCAIN, Mr. CORNYN, Mr. WICKER, Mr. VITTER, Mr. INHOFE, Mr. CORKER, and Mr. PORTMAN):

S. 1097. A bill to strengthen the strategic force posture of the United States by implementing and supplementing certain provisions of the New START Treaty and the Resolution of Ratification, and for other purposes; to the Committee on Armed Services.

By Mr. HATCH (for himself and Mr. RUBIO):

S. 1098. A bill to amend the Internal Revenue Code of 1986 to improve access to health care through expanded health savings accounts, and for other purposes; to the Committee on Finance.

By Mr. BLUNT (for himself and Mr. KIRK):

S. 1099. A bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system; to the Committee on the Judiciary.

By Ms. COLLINS (for herself, Mr. MCCONNELL, Mr. KYL, Mr. ALEXANDER, Mr. PORTMAN, Mr. BROWN of

Massachusetts, Mr. JOHNSON of Wisconsin, Mr. MORAN, Mr. HATCH, Mr. GRASSLEY, Mr. ENZI, Mr. CORNYN, Mr. BURR, Mr. ISAKSON, Mr. VITTER, Mr. THUNE, Mr. BARRASSO, Mr. WICKER, Mr. JOHANNIS, Mr. COATS, Ms. AYOTTE, and Mr. BLUNT):

S. 1100. A bill to amend title 41, United States Code, to prohibit inserting politics into the Federal acquisition process by prohibiting the submission of political contribution information as a condition of receiving a Federal contract; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BOOZMAN (for himself and Mr. PRYOR):

S. 1101. A bill to require the Secretary of Health and Human Services to approve waivers under the Medicaid Program under title XIX of the Social Security Act that are related to State provider taxes that exempt certain retirement communities; to the Committee on Finance.

By Mr. DURBIN (for himself, Mr. FRANKEN, and Mr. WHITEHOUSE):

S. 1102. A bill to amend title 11, United States Code, with respect to certain exceptions to discharge in bankruptcy; to the Committee on the Judiciary.

By Mr. LEAHY (for himself, Mr. GRASSLEY, Mrs. FEINSTEIN, and Mr. CHAMBLISS):

S. 1103. A bill to extend the term of the incumbent Director of the Federal Bureau of Investigation; to the Committee on the Judiciary.

By Mr. CASEY:

S. 1104. A bill to require regular audits of, and improvements to, the Transition Assistance Program; to the Committee on Veterans' Affairs.

By Mrs. MURRAY (for herself, Ms. CANTWELL, Mrs. SHAHEEN, and Mr. MERKLEY):

S. 1105. A bill to provide a Federal tax exemption for forest conservation bonds, and for other purposes; to the Committee on Finance.

By Mr. KOHL (for himself and Mr. GRAHAM):

S. 1106. A bill to authorize Department of Defense support for programs on pro bono legal assistance for members of the Armed Forces; to the Committee on Armed Services.

By Mr. MENENDEZ:

S. 1107. A bill to authorize and support psoriasis and psoriatic arthritis data collection, to express the sense of the Congress to encourage and leverage public and private investment in psoriasis research with a particular focus on interdisciplinary collaborative research on the relationship between psoriasis and its comorbid conditions, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANDERS (for himself, Mr. BOOZMAN, and Mr. BINGAMAN):

S. 1108. A bill to provide local communities with tools to make solar permitting more efficient, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MENENDEZ (for himself, Mr. REID, Mr. DURBIN, Mr. SCHUMER, Mr. LEAHY, Mr. AKAKA, Mr. BENNET, Mrs. GILLIBRAND, and Mr. INOUE):

S. 1109. A bill to authorize the adjustment of status for immediate family members of individuals who served honorably in the Armed Forces of the United States during the Afghanistan and Iraq conflicts, and for other purposes; to the Committee on the Judiciary.

By Mr. ENZI (for himself and Mr. CASEY):

S. 1110. A bill to amend the Small Business Act to permit agencies to count certain con-

tracts toward contracting goals; to the Committee on Small Business and Entrepreneurship.

By Mr. UDALL of Colorado (for himself, Mr. CRAPO, Mr. BENNET, Mr. BURR, Mr. TESTER, Mr. VITTER, Mr. CHAMBLISS, and Mr. BLUNT):

S. 1111. A bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level, and for other purposes; to the Committee on Finance.

By Mr. WYDEN (for himself, Mrs. MURRAY, and Mr. MERKLEY):

S. 1112. A bill to amend title 38, United States Code, to grant family of members of the uniformed services temporary annual leave during the deployment of such members, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MURKOWSKI (for herself, Mr. NELSON of Nebraska, Mr. WEBB, Mr. RISCH, Mrs. HAGAN, Mr. BLUNT, Mr. BARRASSO, Mr. ENZI, Mr. CONRAD, Mr. COCHRAN, Mr. BEGICH, Mr. HELLER, Mr. CRAPO, Ms. STABENOW, Mr. HOEVEN, Mrs. MCCASKILL, and Mr. MANCHIN):

S. 1113. A bill to facilitate the reestablishment of domestic, critical mineral designation, assessment, production, manufacturing, recycling, analysis, forecasting, workforce, education, research, and international capabilities in the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. COONS:

S. 1114. A bill to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until May 31, 2011, and for other purposes; to the Committee on the Judiciary.

By Mr. UDALL of New Mexico (for himself, Mr. WHITEHOUSE, and Mr. CARDIN):

S. 1115. A bill to establish centers of excellence for green infrastructure, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BURR (for himself, Mr. WICKER, Mr. COCHRAN, Mr. INHOFE, Mr. LEE, Mr. MCCAIN, Mr. COATS, and Mr. THUNE):

S. 1116. A bill to merge the Department of Labor, the Department of Commerce, and the Small Business Administration to establish a Department of Commerce and the Workforce, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ROCKEFELLER (for himself, Ms. STABENOW, and Mr. BROWN of Ohio):

S. 1117. A bill to amend section 35 of the Internal Revenue Code of 1986 to improve the health coverage tax credit, and for other purposes; to the Committee on Finance.

By Mr. HOEVEN (for himself, Mr. CONRAD, Mr. CORNYN, Mr. WICKER, Ms. KLOBUCHAR, Mr. ALEXANDER, Mr. ENZI, Mr. FRANKEN, Mr. PORTMAN, Mr. JOHANNIS, and Mr. SESSIONS):

S. 1118. A bill to authorize the construction and maintenance of levees on property acquired under hazard mitigation grant programs of the Federal Emergency Management Agency; to the Committee on Homeland Security and Governmental Affairs.

By Mr. INOUE (for himself, Mr. ROCKEFELLER, Mr. BEGICH, Ms. SNOWE, and Ms. MURKOWSKI):

S. 1119. A bill to reauthorize and improve the Marine Debris Research, Prevention, and Reduction Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CARDIN (for himself, Mr. BLUNT, and Ms. STABENOW):

S. 1120. A bill to encourage greater use of propane as a transportation fuel, to create jobs, and for other purposes; to the Committee on Finance.

By Mr. KOHL (for himself and Mr. ENZI):

S. 1121. A bill to amend the Internal Revenue Code of 1986 to modify the rules relating to loans made from a qualified employer plan, and for other purposes; to the Committee on Finance.

By Mr. MENENDEZ:

S. 1122. A bill to amend title 23, United States Code, to establish standards limiting the amounts of arsenic and lead contained in glass beads used in pavement markings; to the Committee on Environment and Public Works.

By Mr. BROWN of Ohio:

S. 1123. A bill to amend title 38, United States Code, to improve the provision of benefits and assistance under laws administered by the Secretary of Veterans Affairs to veterans affected by natural or other disasters, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CONRAD:

S. 1124. A bill to amend title 38, United States Code, to improve the utilization of teleconsultation, teleretinal imaging, telemedicine, and telehealth coordination services for the provision of health care to veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LEAHY (for himself, Mr. WYDEN, Mrs. GILLIBRAND, Mr. HARKIN, Mr. DURBIN, Mr. AKAKA, Mr. FRANKEN, Mr. BINGAMAN, Mrs. BOXER, Mr. COONS, and Mr. CARDIN):

S. 1125. A bill to improve national security letters, the authorities under the Foreign Intelligence Surveillance Act of 1978, and for other purposes; read the first time.

By Mr. WHITEHOUSE (for himself, Mr. ALEXANDER, and Mr. UDALL of Colorado):

S. 1126. A bill to amend the Energy Independence and Security Act of 2007 to authorize the Secretary of Energy to insure loans for financing of renewable energy systems leased for residential use, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CONRAD:

S. 1127. A bill to amend title 38, United States Code, to establish centers of excellence for rural health research, education, and clinical activities and to recognize the rural health resource centers in the Office of Rural Health, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MENENDEZ:

S. 1128. A bill to establish a National Autism Spectrum Disorder Initiative and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BARRASSO (for himself, Mr. ENZI, Mr. CRAPO, Mr. RISCH, Mr. THUNE, Mr. HELLER, and Mr. HATCH):

S. 1129. A bill to amend the Federal Land Policy and Management Act of 1976 to improve the management of grazing leases and permits, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER:

S. 1130. A bill to strengthen the United States trade laws and for other purposes; to the Committee on Finance.

By Mrs. HAGAN (for herself, Mr. BROWN of Ohio, Ms. LANDRIEU, and Mr. CONRAD):

S. 1131. A bill to authorize the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, to establish and implement a birth defects prevention, risk reduction, and public awareness program; to the

Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ:

S. 1132. A bill to establish programs to provide services to individuals with autism and the families of such individuals and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WYDEN (for himself, Ms. SNOWE, Mrs. MCCASKILL, Mr. BLUNT, Mr. BROWN of Ohio, Mr. PORTMAN, and Mr. SCHUMER):

S. 1133. A bill to prevent the evasion of antidumping and countervailing duty orders, and for other purposes; to the Committee on Finance.

By Ms. KLOBUCHAR (for herself, Mr. KOHL, Mr. JOHNSON of Wisconsin, and Mr. FRANKEN):

S. 1134. A bill to authorize the St. Croix River Crossing Project with appropriate mitigation measures to promote river values; to the Committee on Energy and Natural Resources.

By Mr. MCCONNELL (for himself and Mr. PAUL):

S. 1135. A bill to provide for the reenrichment of certain depleted uranium owned by the Department of Energy, and for the sale or barter of the resulting reenriched uranium, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. TESTER:

S. 1136. A bill to amend Public Law 106-206 to direct the Secretary of the Interior and the Secretary of Agriculture to require annual permits and assess annual fees for commercial filming activities on Federal land for film crews of 5 persons or fewer; to the Committee on Energy and Natural Resources.

By Mr. SANDERS:

S. 1137. A bill to provide incentives for investment in research and development for new medicines, to enhance access to new medicines, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANDERS:

S. 1138. A bill to de-link research and development incentives from drug prices for new medicines to treat HIV/AIDS and to stimulate greater sharing of scientific knowledge; to the Committee on Health, Education, Labor, and Pensions.

By Ms. KLOBUCHAR (for herself, Mr. INHOFE, Mr. BENNET, Mr. COONS, Mr. NELSON of Nebraska, Mrs. MURRAY, Mr. BAUCUS, Mr. FRANKEN, and Mr. UDALL of Colorado):

S. 1139. A bill to amend the Higher Education Act of 1965 to provide that interest shall not accrue on Federal Direct Loans for members of the Armed Forces on active duty regardless of the date of disbursement; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROCKEFELLER:

S. 1140. A bill to provide for restoration of the coastal areas of the Gulf of Mexico affected by the Deepwater Horizon oil spill, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. AKAKA (for himself, Mr. INOUE, and Mr. MENENDEZ):

S. 1141. A bill to exempt children of certain Filipino World War II veterans from the numerical limitations on immigrant visas and for other purposes; to the Committee on the Judiciary.

By Mr. TESTER (for himself, Ms. MURKOWSKI, and Mr. REID):

S. 1142. A bill to promote the mapping and development of the United States geothermal resources by establishing a direct loan program for high risk geothermal exploration wells, to amend the Energy Independence and Security Act of 2007 to improve geo-

thermal energy technology and demonstrate the use of geothermal energy in large scale thermal applications, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, and Mr. DURBIN):

S.J. Res. 17. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. AKAKA (for himself, Mr. INOUE, Mrs. MURRAY, Mrs. FEINSTEIN, and Mr. REID):

S. Res. 200. A resolution recognizing the significance of the designation of the month of May as Asian/Pacific American Heritage Month; to the Committee on the Judiciary.

By Mr. BROWN of Massachusetts (for himself, Mrs. FEINSTEIN, Mr. HATCH, Mrs. MURRAY, Mr. CARDIN, Mr. RUBIO, and Mr. AKAKA):

S. Res. 201. A resolution expressing the regret of the Senate for the passage of discriminatory laws against the Chinese in America, including the Chinese Exclusion Act; to the Committee on the Judiciary.

By Mr. CONRAD (for himself, Mr. LEVIN, Mr. ROCKEFELLER, and Mr. DURBIN):

S. Res. 202. A resolution designating June 27, 2011, as "National Post-Traumatic Stress Disorder Awareness Day"; to the Committee on the Judiciary.

By Ms. LANDRIEU (for herself, Mr. GRASSLEY, Mrs. GILLIBRAND, Mr. FRANKEN, Mr. CARDIN, Mr. BEGICH, Mr. AKAKA, Mr. COCHRAN, Ms. COLLINS, Mr. LEVIN, Mr. NELSON of Nebraska, Mr. LAUTENBERG, Mrs. MURRAY, Mr. KERRY, Mr. INHOFE, Ms. SNOWE, and Mr. CASEY):

S. Res. 203. A resolution recognizing "National Foster Care Month" as an opportunity to raise awareness about the challenges of children in the foster care system, and encouraging Congress to implement policy to improve the lives of children in the foster care system; considered and agreed to.

By Mr. CASEY (for himself, Mr. BOOZMAN, Mr. DURBIN, Mr. LUGAR, Mr. MORAN, Mr. LEAHY, and Mr. BROWN of Ohio):

S. Res. 204. A resolution designating June 7, 2011, as "National Hunger Awareness Day"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 195

At the request of Mr. ROCKEFELLER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 195, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 274

At the request of Mrs. HAGAN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 274, a bill to amend title XVIII of the Social Security Act to expand access to medication therapy management services under the Medicare prescription drug program.

S. 311

At the request of Mr. KERRY, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 311, a bill to provide for the coverage of medically necessary food under Federal health programs and private health insurance.

S. 341

At the request of Mr. BROWN of Massachusetts, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 341, a bill to require the rescission or termination of Federal contracts and subcontracts with enemies of the United States.

S. 394

At the request of Mr. KOHL, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 394, a bill to amend the Sherman Act to make oil-producing and exporting cartels illegal.

S. 483

At the request of Ms. SNOWE, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 483, a bill to amend title XVIII of the Social Security Act to provide for the treatment of clinical psychologists as physicians for purposes of furnishing clinical psychologist services under the Medicare program.

S. 501

At the request of Mr. THUNE, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 501, a bill to establish pilot projects under the Medicare program to provide incentives for home health agencies to utilize home monitoring and communications technologies.

S. 539

At the request of Mr. WHITEHOUSE, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 539, a bill to amend the Public Health Services Act and the Social Security Act to extend health information technology assistance eligibility to behavioral health, mental health, and substance abuse professionals and facilities, and for other purposes.

S. 570

At the request of Mr. TESTER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 570, a bill to prohibit the Department of Justice from tracking and cataloguing the purchases of multiple rifles and shotguns.

S. 598

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 598, a bill to repeal the Defense of Marriage Act and ensure respect for State regulation of marriage.

S. 658

At the request of Ms. KLOBUCHAR, the names of the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Massachusetts (Mr. BROWN), the Senator from Vermont (Mr. SANDERS) and

the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 658, a bill to provide for the preservation by the Department of Defense of documentary evidence of the Department of Defense on incidents of sexual assault and sexual harassment in the military, and for other purposes.

S. 699

At the request of Mr. BINGAMAN, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 699, a bill to authorize the Secretary of Energy to carry out a program to demonstrate the commercial application of integrated systems for long-term geological storage of carbon dioxide, and for other purposes.

S. 738

At the request of Ms. STABENOW, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 738, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of comprehensive Alzheimer's disease and related dementia diagnosis and services in order to improve care and outcomes for Americans living with Alzheimer's disease and related dementias by improving detection, diagnosis, and care planning.

S. 755

At the request of Mr. WYDEN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 755, a bill to amend the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for restitution and other State judicial debts that are past-due.

S. 756

At the request of Mr. GRASSLEY, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 756, a bill to amend title XI of the Social Security Act to provide for the public availability of Medicare claims data.

S. 757

At the request of Mr. BARRASSO, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 757, a bill to provide incentives to encourage the development and implementation of technology to capture carbon dioxide from dilute sources on a significant scale using direct air capture technologies.

S. 792

At the request of Mr. PRYOR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 792, a bill to authorize the waiver of certain debts relating to assistance provided to individuals and households since 2005.

S. 800

At the request of Mr. HARKIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 800, a bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to reauthorize and improve the safe routes to school program.

S. 857

At the request of Mr. GRASSLEY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 857, a bill to amend the Elementary and Secondary Education Act of 1965 to aid gifted and talented learners, including high-ability learners not formally identified as gifted.

S. 868

At the request of Mr. HATCH, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 868, a bill to restore the long-standing partnership between the States and the Federal Government in managing the Medicaid program.

S. 891

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 891, a bill to amend title XVIII of the Social Security Act to provide for the recognition of attending physician assistants as attending physicians to serve hospice patients.

S. 895

At the request of Mr. BEGICH, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 895, a bill to amend the Elementary and Secondary Education Act of 1965 to invest in innovation for education.

S. 906

At the request of Mr. WICKER, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 906, a bill to prohibit taxpayer funded abortions and to provide for conscience protections, and for other purposes.

S. 948

At the request of Mr. MERKLEY, the names of the Senator from Missouri (Mr. BLUNT) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 948, a bill to promote the deployment of plug-in electric drive vehicles, and for other purposes.

S. 951

At the request of Mrs. MURRAY, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 951, a bill to improve the provision of Federal transition, rehabilitation, vocational, and unemployment benefits to members of the Armed Forces and veterans, and for other purposes.

S. 952

At the request of Mr. DURBIN, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 952, a bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes.

S. 958

At the request of Mr. CASEY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 958, a bill to amend the Public

Health Service Act to reauthorize the program of payments to children's hospitals that operate graduate medical education programs.

S. 968

At the request of Mr. LEAHY, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of S. 968, a bill to prevent online threats to economic creativity and theft of intellectual property, and for other purposes.

S. 972

At the request of Mr. CARPER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 972, a bill to amend titles 23 and 49, United States Code, to establish procedures to advance the use of cleaner construction equipment on Federal-aid highway and public transportation construction projects, to make the acquisition and installation of emission control technology an eligible expense in carrying out such projects, and for other purposes.

S. 998

At the request of Mr. AKAKA, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 998, a bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60.

S. 1025

At the request of Mr. LEAHY, the names of the Senator from New York (Mrs. GILLIBRAND), the Senator from Delaware (Mr. COONS) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1025, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 1039

At the request of Mr. CARDIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1039, a bill to impose sanctions on persons responsible for the detention, abuse, or death of Sergei Magnitsky, for the conspiracy to defraud the Russian Federation of taxes on corporate profits through fraudulent transactions and lawsuits against Hermitage, and for other gross violations of human rights in the Russian Federation, and for other purposes.

S. 1042

At the request of Ms. MURKOWSKI, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 1042, a bill to amend title XVIII of the Social Security Act to establish a Medicare payment option for

patients and physicians or practitioners to freely contract, without penalty, for Medicare fee-for-service items and services, while allowing Medicare beneficiaries to use their Medicare benefits.

S. 1043

At the request of Mr. GRAHAM, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1043, a bill to amend the Energy Independence and Security Act of 2007 to promote energy security through the production of petroleum from oil sands, and for other purposes.

S. 1048

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 1048, a bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes.

At the request of Mr. MENENDEZ, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 1048, *supra*.

S. 1049

At the request of Mr. KYL, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1049, a bill to lower health premiums and increase choice for small business.

S. 1059

At the request of Mr. THUNE, the names of the Senator from Arkansas (Mr. BOOZMAN), the Senator from Mississippi (Mr. WICKER), the Senator from Mississippi (Mr. COCHRAN), the Senator from Georgia (Mr. ISAKSON) and the Senator from New Hampshire (Ms. AYOTTE) were added as cosponsors of S. 1059, a bill to amend the Public Health Service Act to provide liability protections for volunteer practitioners at health centers under section 330 of such Act.

S. 1064

At the request of Mr. REED, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1064, a bill to make effective the proposed rule of the Food and Drug Administration relating to sunscreen drug products, and for other purposes.

S. RES. 150

At the request of Mr. INHOFE, the names of the Senator from Florida (Mr. RUBIO) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. Res. 150, a resolution calling for the protection of religious minority rights and freedoms in the Arab world.

S. RES. 162

At the request of Mr. MENENDEZ, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from New York (Mr. SCHUMER) and the Senator from North Carolina (Mrs. HAGAN) were added as cosponsors of S. Res. 162, a resolution expressing the sense of the Senate that stable and affordable housing is an essential component of an effective strategy for the prevention, treatment, and care of human immunodeficiency virus, and that the United States should make a commitment to

providing adequate funding for the development of housing as a response to the acquired immunodeficiency syndrome pandemic.

S. RES. 172

At the request of Ms. KLOBUCHAR, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. Res. 172, a resolution recognizing the importance of cancer research and the contributions made by scientists and clinicians across the United States who are dedicated to finding a cure for cancer, and designating May 2011, as "National Cancer Research Month".

S. RES. 185

At the request of Mr. CARDIN, the names of the Senator from Oregon (Mr. WYDEN), the Senator from New Hampshire (Ms. AYOTTE), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. Res. 185, a resolution reaffirming the commitment of the United States to a negotiated settlement of the Israeli-Palestinian conflict through direct Israeli-Palestinian negotiations, reaffirming opposition to the inclusion of Hamas in a unity government unless it is willing to accept peace with Israel and renounce violence, and declaring that Palestinian efforts to gain recognition of a state outside direct negotiations demonstrates absence of a good faith commitment to peace negotiations, and will have implications for continued United States aid.

At the request of Mrs. MCCASKILL, her name was added as a cosponsor of S. Res. 185, *supra*.

S. RES. 188

At the request of Mr. KIRK, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 188, a resolution opposing State bailouts by the Federal Government.

AMENDMENT NO. 360

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of amendment No. 360 intended to be proposed to S. 990, a bill to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INHOFE (for himself and Ms. SNOWE):

S. 1085. A bill to amend the Clean Air Act to define next generation biofuel, and to allow States the option of not participating in the corn ethanol portions of the renewable fuel standard due to conflicts with agricultural, economic, energy, and environmental goals; to the Committee on Environment and Public Works.

Mr. INHOFE. Mr. President, I have introduced a bill, S. 1085. I have some cosponsors, including Senator SNOWE from Maine. The bill addresses some-

thing that has become very controversial. It is certainly not partisan in any way. It is more geographical; that is, I have been one who has been opposed to the corn ethanol mandates ever since they first came out. I opposed the 2007 Energy bill because it doubled the corn-based ethanol mandates, despite the mounting questions surrounding ethanol's compatibility with existing engines, its environmental sustainability, as well as transportation infrastructure needs. I can remember back when they first did it, all the environmentalists were saying corn ethanol will be the answer. They were all for it, but they are against it now. They all recognize that corn ethanol is bad for the environment.

Now, the three areas I personally have a problem with are, No. 1, the environment; No. 2, you have a compatibility situation. You talk to any of the farmers, any of the marine people, they will tell you it is very destructive to the small engines. Thirdly, everyone is concerned with the high price of fuel, with the fact that corn ethanol is not good for your mileage. Kris Kiser of the Outdoor Power Equipment Manufacturers testified before the Environment and Public Works Committee on ethanol's compatibility or lack of compatibility with more than 200 million legacy engines across America which are not designed to run on certain blends of ethanol. I will quote her testimony before our committee. She said:

In the marine industry, if your machine fails or your engine fails and you are 30 miles offshore, this is a serious problem. If you are in a snow machine and it fails in the wilderness this is a serious problem.

Consumers complain about the decreasing fuel efficiency around corn ethanol, containing 67 percent of the Btu of gasoline. We call it clear gas. This is a good time to say we are not talking about biomass. We are only talking about corn ethanol. Another problem I have in my State of Oklahoma is we are a big cattle State and that has driven up the cost of feedstock to a level that is not acceptable. According to the EPA, vehicles operating on E85 ethanol experience a 20-percent to 30-percent drop in miles per gallon due to ethanol's lower energy content. Consumer reports found that E85 resulted in a 27-percent drop in fuel.

As a result, you drive around Oklahoma—first of all, we are in Washington. It is my understanding there is no choice in Washington or Virginia or in Maryland and those areas. In my State of Oklahoma, we still have a choice, and the choice is very clear. The problem is the way this is set up, we will run into a barrier where they will no longer have clear gas available under the current formulas. For that reason, we have people who—at almost every station you see, the majority of the stations you see in Oklahoma, you have signs such as this: Ethanol free. 100 percent gasoline. This is all over the State of Oklahoma.

There is a solution to this problem, and it is one I have introduced in this bill. Before describing that, I think the most pressing issue of this so-called blend wall is that EISA mandated 15 billion gallons of corn-based ethanol by 2015, but today it is readily apparent that the country cannot physically absorb this much corn ethanol. It is too much, too fast. In Oklahoma, ethanol's blend wall has nearly eliminated consumer choice. The fuel blenders and gas station owners have little option but to sell ethanol-blended gasoline, despite strong consumer demand for clear gas. There is the consumer demand all over the State of Oklahoma.

What is the solution? I introduced a very simple, five-page bill. The bill would allow individual States to opt out of the mandate. It would require their State legislature wants this and they pass a resolution, it is signed by the governor, and they would be able to opt out. The State would pass a bill. It is signed by the Governor, stating its election to exercise this option. The Administrator of the EPA would then reduce the amount of the national corn ethanol mandate by the percentage amount of the gasoline consumed by this State.

This option nonparticipation would only apply to the corn portion of the RFS and would not affect any of the volumetric requirements of advanced biofuels. We are big in advanced biofuels in my State of Oklahoma, the various foundations, Oklahoma State University. We have switchgrass we are working on, and it is something we are all for. The bill actually redefines cellulosic biofuels as next generation biofuel. The previously defined cellulosic biofuel carveout is expanded to include algae and any nonethanol renewable fuel derived from renewable biomass. So this is something that is not going to be incompatible. It is going to be very compatible with our interest here. So for those people who say: We demand to have corn-based ethanol, you can have it. All this is choice, and if we and the people of my State of Oklahoma want a choice of clear gas or corn ethanol, they should be able to do it. I honestly don't think there is a legitimate argument against that. I plan to try to get some cosponsors. I think my good friend from Florida might be interested in cosponsoring something such as this because this gives choice to the people of his State as well as my State.

By Mr. HARKIN (for himself and Mr. BLUNT):

S. 1086. A bill to reauthorize the Special Olympics Sport and Empowerment Act of 2004, to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I have come to the floor, today, to introduce the Eunice Kennedy Shriver Act. I am

very pleased that Senator BLUNT has joined me in introducing this legislation; he and I are both long-time supporters of the Special Olympics and Best Buddies programs authorized in this legislation. Equally importantly, we are continuing the bipartisan support that this legislation has historically enjoyed.

The Special Olympics program is respected around the world as a model and leader in using sport to end the isolation and stigmatization of individuals with intellectual disabilities. For more than 40 years, Special Olympics has encouraged skill development, sharing, courage and confidence through year-round sports training and athletic competition for children and adults with intellectual disabilities. Through their programs, Special Olympics has helped to ensure that millions of individuals with intellectual disabilities are assured of equal opportunities for community participation, access to appropriate health care, and inclusive education, and to experience life in a nondiscriminatory manner. Special Olympics gives athletes with intellectual disabilities the tools they need to be included in society, and it gives society the understanding and tools it needs to include them.

I can speak first-hand about what a rewarding experience it is for all of us who have been involved in Special Olympics. In 2006, my state of Iowa hosted the first USA National Summer Games. Thousands of athletes, volunteers, coaches, and families attended our Games, in addition to 30,000 fans and spectators. Ames, IA, was transformed into an Olympic Village, and it was thrilling to experience.

Similarly, the Best Buddies program is dedicated to ending the social isolation of people with intellectual disabilities by promoting peer support and friendships with their peers without disabilities. The aim is to increase the self-esteem, confidence and abilities of people with and without intellectual disabilities. Equally important, the Best Buddies program has provided opportunities for integrated employment for individuals with intellectual disabilities.

Research shows that participation in activities involving both people with intellectual disabilities and people without disabilities results in more positive support for inclusion in society, including in schools.

This bill is named in honor of Eunice Kennedy Shriver, who devoted her life to improving the lives of people with intellectual disabilities around the world. Mrs. Shriver founded and fostered the development of Special Olympics and Best Buddies, both of which celebrate the possibilities of a world where all people, including those with disabilities, have meaningful opportunities for participation and inclusion.

In addition to reauthorizing the former Special Olympics Sports and Empowerment Act and providing an authorization for the Best Buddies pro-

gram, this bill will also allow the Department of Education to award competitive grants to support increased opportunities for inclusive participation by individuals with intellectual disabilities in sports and recreation programs.

I am pleased to be the chief sponsor of this legislation, which will continue our support for these important programs that promote the extraordinary gifts and contributions of people with intellectual disabilities as well as broader community inclusion.

I urge all my colleagues to join with me and Senator BLUNT in supporting this very worthy bill.

By Mr. KERRY (for himself, Ms. STABENOW, Mr. BLUMENTHAL, and Mr. CARDIN):

S. 1088. A bill to provide increased funding for the reinsurance for early program; to the Committee on Health, Education, Labor, and Pensions.

Mr. KERRY. Mr. President, today I am introducing the Retiree Health Coverage Protection Act to provide an additional \$5 billion for the Early Retiree Reinsurance Program, EERP, to allow more employers to participate in the program. It will also further reduce the cost of retiree coverage.

I worked with Sen. STABENOW to include the EERP program in the Affordable Care Act due to the erosion of employer-sponsored retiree coverage across the country. The percentage of large firms providing workers with retiree health coverage dropped from 66 percent in 1988 to 29 percent in 2009.

The ERRP helps to control health care costs and preserve coverage for early retirees and their families and has been remarkably successful in making retiree health insurance coverage more stable and affordable.

Employers who participate in the program can receive a reinsurance reimbursement of up to 80 percent of catastrophic medical claims between \$15,000 and \$90,000 for their early retiree enrollees. The reimbursement is used to reduce the employer's health care costs and to lower premiums to retirees and their families. A study from Hewitt Associates estimates that the program will reduce the cost of retiree coverage from 25 to 35 percent, anywhere from \$2,000 to \$3,000 per retiree, per year.

The program has garnered robust participation among a wide range of retiree health plan sponsors from all major sectors of our economy. Earlier this month, it was announced that 5,515 plan sponsors have been approved to participate in the program and nearly \$2.5 billion reinsurance reimbursements have been paid to 1,728 participating retiree plans.

The ERRP has been so successful that the Centers for Medicare and Medicaid Services, CMS, announced it could no longer accept applications for the program after May 6 because the overwhelming response would exhaust the \$5 billion in appropriated program

funding. Until additional insurance market reforms are enacted in 2014, we should build on the demonstrated success of ERRP.

Senator STABENOW, Senator BLUMENTHAL, and I are working together to preserve insurance coverage for millions of retirees who rely on health coverage through their former employers before they become eligible for Medicare. That is why we are introducing legislation, the Retiree Health Coverage Protection Act, to provide an additional \$5 billion in ERRP funding. This additional funding could be used to allow more employers to participate in the program and to further reduce the cost of retiree coverage.

Over 180 employers who offer retiree health benefits in Massachusetts have taken advantage of this program. These public and private sector employers in the Commonwealth represent various entities, including: city governments, hospitals, colleges, and financial service institutions.

I would like to thank a number of organizations who have been integral to the development of the Retiree Health Coverage Protection Act and who have endorsed our legislation today, including the American Federation of Labor and Congress of Industrial Organizations, AFL-CIO, the Alliance for Retired Americans, the American Federation of State, County, and Municipal Employees, AFSCME, Families USA, the International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, UAW, and the National Education Association, NEA.

I look forward to working with my colleagues in the Senate to protect and stabilize retiree health coverage by ensuring the ERRP has adequate funding. I ask my colleagues to cosponsor this important legislation.

By Mr. McCONNELL:

S. 1089. A bill to provide for the introduction of pay-for-performance compensation mechanisms into contracts of the Department of Veterans Affairs with community-based outpatient clinics for the provision of health care services, and for other purposes; to the Committee on Veterans' Affairs.

Mr. McCONNELL. Mr. President, I rise today to introduce the Veterans Health Care Improvement Act of 2011.

As we all know, the Department of Veterans Affairs strives to provide the best possible health care for our nation's heroes. However, it has come to my attention that the quality of care provided to our nation's veterans remains inconsistent among community-based outpatient clinics. Some of these clinics are operated by private health care providers under VA contracts. These VA-contracted health care providers are compensated for their work at community-based outpatient clinics on a capitated basis, which means they are essentially paid based on how many new veterans they see during a pay pe-

riod. These firms are therefore rewarded for the number of veterans they sign up, not for the quality of treatment provided to our veterans. While I am not opposed to capitation per se, I am concerned current VA policy provides contractors with the wrong incentives. Contracted health care providers should have incentives to provide the best possible care for veterans, not simply get as many veterans as possible through their doors.

As a result of the capitated system, it has been reported that too many of our nation's heroes have faced difficulties at these clinics in scheduling appointments, have suffered from neglect or have received substandard health care. This occurred under the last administration and I am concerned it may be continuing in the current one.

As such, I am reintroducing the Veterans Health Care Improvement Act, which attempts to fix the way VA-contracted health care providers are compensated at clinics. This bill would require the VA to begin to introduce a pay-for-performance compensation plan for contractors, thereby gradually incentivizing a higher quality of care for veterans seen at privately-administered community-based outpatient clinics.

This bill gives the VA the flexibility to begin to implement such a system through a pilot program and leaves the VA the discretion as to how to adopt and best implement the pay-for-performance standards. In this respect, the bill defers to the VA on how best to execute these changes. It is my hope that my colleagues will support this measure.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1089

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Health Care Improvement Act of 2011".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Veterans of the Armed Forces have made tremendous sacrifices in the defense of freedom and liberty.

(2) Congress recognizes these great sacrifices and reaffirms America's strong commitment to its veterans.

(3) As part of the on-going congressional effort to recognize the sacrifices made by America's veterans, Congress has dramatically increased funding for the Department of Veterans Affairs for veterans health care in the years since September 11, 2001.

(4) Part of the funding for the Department of Veterans Affairs for veterans health care is allocated toward community-based outpatient clinics (CBOCs).

(5) Many CBOCs are administered by private contractors.

(6) CBOCs administered by private contractors operate on a capitated basis.

(7) Some current contracts for CBOCs may create an incentive for contractors to sign up as many veterans as possible, without en-

suring timely access to high quality health care for such veterans.

(8) The top priorities for CBOCs should be to provide quality health care and patient satisfaction for America's veterans.

(9) The Department of Veterans Affairs currently tracks the quality of patient care through its Computerized Patient Record System. However, fees paid to contractors are not currently adjusted automatically to reflect the quality of care provided to patients.

(10) A pay-for-performance payment model offers a promising approach to health care delivery by aligning the payment of fees to contractors with the achievement of better health outcomes for patients.

(11) The Department of Veterans Affairs should begin to emphasize pay-for-performance in its contracts with CBOCs.

SEC. 3. PAY-FOR-PERFORMANCE UNDER DEPARTMENT OF VETERANS AFFAIRS CONTRACTS WITH COMMUNITY-BASED OUTPATIENT HEALTH CARE CLINICS.

(a) PLAN REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a plan to introduce pay-for-performance measures into contracts which compensate contractors of the Department of Veterans Affairs for the provision of health care services through community-based outpatient clinics (CBOCs).

(b) ELEMENTS.—The plan required by subsection (a) shall include the following:

(1) Measures to ensure that contracts of the Department for the provision of health care services through CBOCs begin to utilize pay-for-performance compensation mechanisms for compensating contractors for the provision of such services through such clinics, including mechanisms as follows:

(A) To provide incentives for clinics that provide high-quality health care.

(B) To provide incentives to better assure patient satisfaction.

(C) To impose penalties (including termination of contract) for clinics that provide substandard care.

(2) Mechanisms to collect and evaluate data on the outcomes of the services generally provided by CBOCs in order to provide for an assessment of the quality of health care provided by such clinics.

(3) Mechanisms to eliminate abuses in the provision of health care services by CBOCs under contracts that continue to utilize capitated-basis compensation mechanisms for compensating contractors.

(4) Mechanisms to ensure that veterans are not denied care or face undue delays in receiving care.

(c) IMPLEMENTATION.—The Secretary shall commence the implementation of the plan required by subsection (a) unless Congress enacts an Act, not later than 60 days after the date of the submittal of the plan, prohibiting or modifying implementation of the plan. In implementing the plan, the Secretary may initially carry out one or more pilot programs to assess the feasibility and advisability of mechanisms under the plan.

(d) REPORTS.—Not later than 180 days after the date of the enactment of this Act and every 180 days thereafter, the Secretary shall submit to Congress a report setting forth the recommendations of the Secretary as to the feasibility and advisability of utilizing pay-for-performance compensation mechanisms in the provision of health care services by the Department by means in addition to CBOCs.

By Mr. UDALL of Colorado:

S. 1093. A bill to amend the Internal Revenue Code of 1986 to provide that solar energy property need not be located on the property with respect to

which it is generating electricity in order to qualify for the residential energy efficient property credit; to the Committee on Finance.

Mr. UDALL of Colorado. Mr. President, I rise to speak about a bill that is born from the forward-thinking ideas of my constituents, a bill that will help spur our Nation's new energy economy and create jobs: the Solar Uniting Neighborhoods Act, or SUN Act.

Over the last three years, I have been travelling across Colorado as part of a work force tour to talk directly to Coloradans and hear their innovative policy ideas to create jobs. The SUN Act comes directly from visiting with Coloradans.

This bill will help bring common-sense to our tax code, get government out of the way of developing solar energy, and spur job growth in every community across the United States.

I installed solar panels on my own home several years ago to take advantage of the strong Colorado sun. However, I understand this option is not available for all American families who want to receive their home's energy needs from solar power. There can be difficulties attaching solar panels to your home, which is why more and more neighborhoods and towns are creating so called "community solar" projects.

Instead of affixing solar panels to every roof on the block, an increasing number of Americans have decided to place those same solar panels all together in one open and unobstructed sunny area near their homes. By grouping solar panels together, it reduces the cost by up to 30 percent compared to installing each panel on every roof separately. Whether used by neighbors living at the end of a cul-de-sac or developed by our rural energy cooperatives, creating these group solar projects to share energy is a great way to lower the cost of developing solar energy.

But there is a problem: our tax code is getting in the way. It discourages neighborhood solar projects by requiring that solar panels must actually be on your property instead of allowing neighbors and others to partner on community solar projects. This discourages innovation and slows the growth of solar power as an alternate energy source.

The SUN Act would make a small change to the tax code that would no longer constrain this innovative solar energy development. By eliminating the requirement that solar panels be on one individual's property, it allows Americans to work together on community projects where each individual can claim a tax credit. This simple solution makes it easier to adopt and use clean, renewable energy.

What excites me about this bill is that it will create jobs for Americans in every neighborhood where these community solar projects are developed. This bill reduces barriers that currently prevent Americans from

adopting solar energy, opens up new markets, and creates a simple structure to allow people to utilize clean energy for their home.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1093

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Solar Uniting Neighborhoods (SUN) Act of 2011".

SEC. 2. CLARIFICATION WITH RESPECT TO LOCATION OF SOLAR ELECTRIC PROPERTY.

(a) IN GENERAL.—Paragraph (2) of section 25D(d) of the Internal Revenue Code of 1986 is amended to read as follows:

"(2) QUALIFIED SOLAR ELECTRIC PROPERTY EXPENDITURE.—

"(A) IN GENERAL.—The term 'qualified solar electric property expenditure' means an expenditure for property which uses solar energy to generate electricity—

"(i) for use in a dwelling unit located in the United States and used as a residence by the taxpayer, or

"(ii) which enters the electrical grid at any point which is not more than 50 miles from the point at which such a dwelling unit used as a residence by the taxpayer is connected to such grid, but only if such property is not used in a trade or business of the taxpayer or in an activity with respect to which a deduction is allowed to the taxpayer under section 162 or paragraph (1) or (2) of section 212.

"(B) RECAPTURE.—The Secretary may provide for the recapture of the credit under this subsection with respect to any property described in clause (ii) of subparagraph (A) which ceases to satisfy the requirements of such clause."

(b) LIMITATION WITH RESPECT TO OFF-SITE SOLAR PROPERTY.—Subsection (b) of section 25D of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(3) MAXIMUM CREDIT FOR OFF-SITE SOLAR PROPERTY.—In the case of any qualified solar electric property expenditure which is such an expenditure by reason of clause (ii) of subsection (d)(2)(A), the credit allowed under subsection (a) (determined without regard to subsection (c)) for any taxable year with respect to all such expenditures shall not exceed \$50,000."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 3. CLARIFICATION WITH RESPECT TO LOCATION OF SOLAR WATER HEATING PROPERTY.

(a) IN GENERAL.—Section 25D(d)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking "The term" and inserting the following:

"(A) IN GENERAL.—The term", and

(2) by adding at the end the following new subparagraph:

"(B) OFF-SITE PROPERTY.—

"(i) IN GENERAL.—Such term shall include an expenditure for property described in subparagraph (A) notwithstanding—

"(I) whether such property is located on the same site as the dwelling unit for which the energy generated from such property is used, and

"(II) whether the energy generated by such property displaces the energy used to heat the water load or space heating load for the

dwelling, so long as any such displacement from such property occurs not more than 50 miles from such dwelling unit,

but only if such property is not used in a trade or business of the taxpayer or in an activity with respect to which a deduction is allowed to the taxpayer under section 162 or paragraph (1) or (2) of section 212.

"(ii) RECAPTURE.—The Secretary may provide for the recapture of the credit under this subsection with respect to any property described in clause (i) which ceases to satisfy the requirements of such clause."

(b) LIMITATION WITH RESPECT TO OFF-SITE SOLAR PROPERTY.—Paragraph (3) of section 25D(b) of the Internal Revenue Code of 1986, as added by section 2, is amended to read as follows:

"(3) MAXIMUM CREDIT FOR OFF-SITE SOLAR PROPERTY.—In the case of—

"(A) any qualified solar electric property expenditure which is such an expenditure by reason of clause (ii) of subsection (d)(2)(A), and

"(B) any qualified solar water heating property expenditure which is such an expenditure by reason of subparagraph (B) of subsection (d)(1),

the credit allowed under subsection (a) (determined without regard to subsection (c)) for any taxable year with respect to all such expenditures shall not exceed \$50,000."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 4. EXCLUSION OF INCOME FROM QUALIFYING SALES.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 is amended by inserting before section 140 the following new section:

"SEC. 139F. INCOME FROM QUALIFYING SALES OF SOLAR ELECTRICITY.

"For any taxable year, gross income of any person shall not include any gain from the sale or exchange to the electrical grid during such taxable year of electricity which is generated by property with respect to which any qualified solar electric property expenditures are eligible to be taken into account under section 25D, but only to the extent such gain does not exceed the value of the electricity used at such residence during such taxable year."

(b) TECHNICAL AMENDMENT.—The Internal Revenue Code of 1986 is amended by redesignating the section added to such Code by section 10108(f) of the Patient Protection and Affordable Care Act as section 139E, and by locating such section immediately after section 139D of such Code (as added by section 9021(a) of such Act) and immediately before section 139F of such Code (as added by this section).

(c) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by striking all that follows after the item relating to section 139C and inserting the following items:

"Sec. 139D. Indian health care benefits.

"Sec. 139E. Free choice vouchers.

"Sec. 139F. Income from qualifying sales of solar electricity.

"Sec. 140. Cross references to other Acts."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mrs. BOXER (for herself, Ms. COLLINS, Mr. KOHL, and Mr. SANDERS):

S. 1095. A bill to include geriatrics and gerontology in the definition of "primary health services" under the

National Health Service Corps program; to the Committee on Health, Education, Labor, and Pensions.

Mrs. BOXER. Mr. President, as we recognize Older Americans Month this May it is important that we commit to meeting the needs of older Americans to live longer and healthier lives.

Our aging population is expected to almost double in number, from 37 million people in 2009 to about 72 million by 2030. We must start now if we are going to adequately train the health care workforce to meet the needs of an aging America. If we fail to prepare, our Nation will face a crisis in providing care to these older Americans.

Health care providers with the necessary training to give older Americans the best care are in critically short supply. In its landmark report, *Retooling for an Aging America*, the Institute of Medicine concluded that action must be taken immediately to address the severe workforce shortages in the care of older adults.

According to the Institute of Medicine, in 2009 only about 7,100 U.S. physicians were certified geriatricians; 36,000 are needed by 2030. In addition, just 4 percent of social workers and only 3 percent of advanced practice nurses specialized in geriatrics in 2009. Recruitment and retention of direct care workers is also a looming crisis due to low wages and few benefits, lack of career advancement, and inadequate training.

Preparing our workforce for the job of caring for older Americans is an essential part of ensuring the future health of our nation. Right now, there is a critical shortage of health care providers with the necessary training and skills to provide our seniors with the best possible care. This is a tremendously important issue for American families who are concerned about quality of care and quality of life for their older relatives and friends.

It is clear that there is a need for federal action to address these issues, and that is why I am joined today by Senators COLLINS, KOHL and SANDERS in reintroducing the *Caring for an Aging America Act*. This legislation would help attract and retain trained health care professionals and direct care workers dedicated to providing quality care to the growing population of older Americans by providing them with loan forgiveness and career advancement opportunities through the National Health Service Corps.

Specifically, for health professionals with training in geriatrics or gerontology—including physicians, physician assistants, advance practice nurses, social workers, and psychologists—the legislation would link educational loan repayment to a commitment to serve in areas with a shortage of these important health professionals.

Ensuring we have a well-trained health care workforce with the skills to care for our aging population is a critical investment in America's fu-

ture. This legislation offers a modest but important step toward creating the future health care workforce that our Nation so urgently needs.

I look forward to working with my colleagues to ensure that we meet our obligations to the seniors of our Nation to improve their care.

By Ms. SNOWE (for herself, Ms. STABENOW, Ms. MIKULSKI, Mr. CARDIN, and Mr. WICKER):

S. 1096. A bill to amend title XVIII of the Social Security Act to improve access to, and utilization of, bone mass measurement benefits under the Medicare part B program by extending the minimum payment amount for bone mass measurement under such program through 2013; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to join with Senator STABENOW of Michigan to introduce The Preservation of Access to Osteoporosis Testing for Medicare Beneficiaries Act of 2011. The companion bill in the U.S. House of Representatives is being introduced by Representative MICHAEL BURGESS with Representative SHELLEY BERKLEY.

Since 1997, Congress has recognized the necessity of osteoporosis prevention by standardizing coverage for bone mass measurement under the Medicare program. At that time, I actively pursued inclusion of the language in the Medicare Bone Mass Measurement Standardization bill as part of the Balanced Budget Act of 1997. Later, with the passage of health care reform legislation, Congress enacted a temporary solution to the problem caused by Medicare cuts in reimbursement rates for osteoporosis screening tests through bone mass measurements. The osteoporosis screening provision in the Patient Protection and Affordable Care Act returned the Medicare reimbursement level to 70 percent of the 2006 Medicare reimbursement rate.

Regrettably, this provision will expire at the end of the calendar year. For Medicare beneficiaries, this sunset means that access to osteoporosis diagnosis, prevention, and treatment will once again be in jeopardy as Medicare reimbursement rates for osteoporosis screening will plummet by about 50 percent on January 1, 2012. Moreover, without adequate Medicare reimbursement rates, we most certainly risk losing the battle for improving access to bone density testing as well as preventing debilitating and costly bone fractures—an outcome we can ill afford.

A disease of reduced bone mass that ultimately results in bones becoming brittle and fracturing more easily, osteoporosis constitutes a major public health threat, affecting 44 million Americans who either have the disease or are at risk for developing it due to low bone density. Osteoporosis is especially prevalent among women, who represent an incredible 71 percent of all cases. In fact, in their lifetime, one in two women and as many as one in four

men over the age of 50 will fracture a bone due to osteoporosis. Amazingly, a woman's risk of an osteoporotic fracture is greater than her annual combined incidence of breast cancer, heart attack, and stroke, making access and affordability absolutely imperative.

I want to stress to my colleagues that while there is no cure for osteoporosis, it is largely preventable and thousands of fractures could be avoided through early detection and treatment of low bone mass. New drug therapies have been proven to reduce fractures and to rebuild bone mass. At the same time, a bone mass measurement is necessary prior to initiating any form of osteoporosis therapy or prophylaxis.

Bone mass measurements can be used to determine the status of a person's bone health and to predict the risk of future fractures. These tests are safe, painless, accurate, and quick. DXA, dual energy x-ray absorptiometry, is recognized by the World Health Organization, the U.S. Surgeon General, and the Centers for Medicare and Medicaid Services as the "gold standard" for diagnosing osteoporosis.

A technique called vertebral fracture assessment or VFA can identify spinal fractures and show abnormally shaped vertebra. Bone density screenings have been shown to result in 37 percent reduction in hip fracture rates according to a 2008 study by Kaiser in Southern California. Reimbursement under the Medicare program for DXA screening is scheduled to be reduced by 62 percent by 2013 and VFA will be reduced by 30 percent by 2013. The reduction in Medicare reimbursement will almost certainly discourage physicians from continuing to provide convenient access to DXA screening or VFA in their offices.

Since ⅔ of all DXA scans are performed in non-facility settings, such as physician offices, patient access to bone mass measurement will continue to be severely compromised if DXA scans are not readily available to all patients. Our bill would renew the current Medicare levels for reimbursement relief to preserve access to DXA screenings, improve patient care, and prevent unnecessary costs to the Medicare program through reduced expenditures on fractures.

Osteoporosis, which is responsible for more than two million fractures annually, is a silent disease that often goes undetected until a fall or an injury results in a broken bone. Our senior population is at greatest risk, with 89 percent of fracture costs attributed to individuals who are 65 years of age or older. Perhaps the most tragic consequences occur with elderly individuals who fall and suffer osteoporotic hip fractures.

Of those senior citizens suffering hip fractures, 12-13 percent will die within 6 months following the injury and 20 percent will require nursing home care . . . often for the rest of their lives. Moreover, the Medicaid budget bears the cost of nursing home admissions

for hip fractures for low-income Americans. In general, osteoporotic fractures result in an estimated annual cost of \$19 billion to our health care system.

I remain hopeful that one day researchers will discover a cure for this silent and debilitating disease. In the meantime, early detection continues to be our best weapon against osteoporosis, because it is through early detection that we can best thwart the progress of osteoporosis by initiating preventive measures to combat bone loss.

Continuing our current Medicare reimbursement rate for osteoporosis screening tests satisfies the triple aim of better care, improved health, and lower costs. I hope that our colleagues will join Senator STABENOW and me in supporting this bill.

By Ms. COLLINS (for herself, Mr. MCCONNELL, Mr. KYL, Mr. ALEXANDER, Mr. PORTMAN, Mr. BROWN of Massachusetts, Mr. JOHNSON of Wisconsin, Mr. MORAN, Mr. HATCH, Mr. GRASSLEY, Mr. ENZI, Mr. CORNYN, Mr. BURR, Mr. ISAKSON, Mr. VITTER, Mr. THUNE, Mr. BARRASSO, Mr. WICKER, Mr. JOHANNES, Mr. COATS, Ms. AYOTTE, and Mr. BLUNT)

S. 1100. A bill to amend title 41, United States Code, to prohibit inserting politics into the Federal acquisition process by prohibiting the submission of political contribution information as a condition of receiving a Federal contract; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I rise today to introduce the Keeping Politics Out of Federal Contracting Act of 2011. This bill would prohibit Federal agencies from collecting or using information about political contributions made by businesses or individuals that seek to do business with the Federal Government. My bill would keep politics out of Federal contracting.

I am pleased to be joined in this effort by Minority Leader MITCH MCCONNELL, Republican Whip JON KYL, Rules Committee Ranking Member LAMAR ALEXANDER, Subcommittee on Contracting Oversight Ranking Member ROB PORTMAN, as well as our colleagues Senators SCOTT BROWN, RON JOHNSON, JERRY MORAN, ORRIN HATCH, CHUCK GRASSLEY, MIKE ENZI, JOHN CORNYN, RICHARD BURR, JOHNNY ISAKSON, DAVID VITTER, JOHN THUNE, JOHN BARRASSO, ROGER WICKER, MIKE JOHANNES, DAN COATS, ROY BLUNT, and KELLY AYOTTE.

We learned in April that the Obama administration was seriously considering requiring Federal agencies to collect information about campaign contributions by companies, some of their employees, and even their directors as a condition of competing for Federal contracts. This is simply shocking. It amounts to intentionally injecting political considerations into the Federal contracting process. What possible

good can come from linking political information to a process which must be grounded solely and unequivocally on providing the very best value to American taxpayers?

The trust of the American people in the integrity of our Federal contract award process depends on ensuring that the government's "best value" determination is free from political bias. It is unfathomable that this administration would even consider a move that would inject politics into the process, or create a perception that politics is something to be considered in selecting the winners and losers among businesses vying for Federal contracts.

In addition to threatening the integrity of the procurement process, the draft Executive Order would also chill the First Amendment rights of individuals to contribute to the political causes or candidates they choose.

Were the President to issue such an order, undoubtedly we would see a chilling effect on political activity. Many contractors would fear that the success or viability of their business could be threatened if they support the causes or candidates opposed by the administration.

If the collection of such data were required, American businesses would be forced to think twice before contributing to political candidates or causes.

In true Orwellian fashion, the draft executive order suggests that the only way to keep politics out of the contracting process is to include political information with every contract offer. If the White House gets its way, Federal agencies would have to collect information about the campaign contributions and other political expenditures of potential contractors before any contract could be awarded.

This EO would be far reaching and would apply not only to contributions made by the contracting company but also to those made by its directors, officers, and affiliates.

These requirements would also apply retroactively to contributions made two years before the submission of an offer. Just think about—political donations made years before a contract is even contemplated would have to be shared with government officials.

By contrast, my bill reaffirms the fundamental principle that federal contracts should be awarded free from political considerations and be based on the best value to the taxpayers. Specifically, the bill would prohibit a Federal agency from collecting the political information of contractors and their employees as part of any type of request for proposal in anticipation of any type of contract.

It would prohibit the agency from using political information received from any source as a factor in the source selection decision process for new contracts, or in making decisions related to modifications or extensions of existing contracts; and prohibit databases designed to be used by contracting officers to determine the re-

sponsibility of bidders from including political information, except for information on contractors' violations already permitted by law.

Whether or not a prospective contractor agrees with the political views of this or any other administration should be completely irrelevant.

Businesses that have supported conservative causes or whose directors have contributed to Republican candidates should not have to fear that bidding for Federal work would be a waste of their effort.

Similarly, in the next Republican administration, contributors to Democratic causes and candidates should not be intimidated from competing for contracts. The result of such considerations would be less competition for Federal contracts and thus higher prices for goods and services procured by the Federal Government.

The President and the Federal contracting system must not discourage businesses from competing for government contracts. At a time when the budget is under severe constraints, the administration should be seeking to expand the pool of bidders, not shrink it.

In April, 27 Senators wrote to the President to express our opposition to this ill-conceived proposal. We pointed out that "political activity would obviously be chilled if prospective contractors have to fear that their livelihood could be threatened if the causes they support are disfavored by the Administration. No White House should be able to review your political party affiliation or the causes you support before deciding if you are worthy of a government contract. And no American should have to worry about whether his or her political activities or support will affect the ability to get or keep a federal contract * * *"

I also joined three other colleagues in a bipartisan letter to the President in May stressing the Executive Order's impact on the Federal contracting process and the already stretched-thin Federal acquisition workforce.

I have not received a response to either letter.

It simply doesn't pass the straight face test for this administration to suggest that this dramatic change in federal contracting is needed to remove politics from the contracting process. In fact, even the administration's chief procurement official recently admitted at a House hearing that there was no evidence of any problem of political corruption in the contracting process that would warrant correction with this type of new Executive Order.

The reality is just the opposite: requiring disclosure of one's political activities and leanings as part of that process would likely ensure that politics would play a role in the award of federal contracts.

If more transparency is truly the goal, why don't these requirements also apply to organizations receiving Federal grants?

In fact, campaign contributions to candidates and political committees already are required to be reported to the

Federal Election Commission, and with a click of a mouse, can be viewed on FEC.gov.

Americans should get the best value in the marketplace and not a partisan policy that stifles First Amendment rights, politicizes the contracting process, and reduces competition in Federal contracting. I am pleased to note that my colleagues in the House of Representatives, Representatives DARRELL ISSA, TOM COLE, and SAM GRAVES agree. Today they have introduced an identical measure in that chamber. And last night, the House adopted an amendment to the defense authorization bill that would prohibit Federal agencies from requiring contractors to reveal contributions to political campaigns.

Keep politics out of Federal contracting. I urge my colleagues to support this bill.

By Mr. BOOZMAN (for himself and Mr. PRYOR):

S. 1101. A bill to require the Secretary of Health and Human Services to approve waivers under the Medicaid Program under title XIX of the Social Security Act that are related to State provider taxes that exempt certain retirement communities; to the Committee on Finance.

Mr. BOOZMAN. Mr. President, it has been brought to my attention that certain Continuing Care Retirement Communities and Life Care Communities are required to pay a provider tax despite the fact that they provide no beds and no services that are certified under the Medicaid program. Thus, these facilities are paying a tax and receiving no benefit. The Department of Health and Human Services currently provides a waiver for this fee, but the approval for the waiver is not a foregone conclusion. This is costly to those communities who provide for themselves and who do not depend on government programs at all. For these reasons, Senator MARK PRYOR and I are introducing this legislation requiring the Secretary of Health and Human Services to approve waivers sought by states in relation to Continuing Care Retirement Communities and Life Care Communities which have no beds that are certified to provide medical assistance under title XIX of the Social Security Act or that do not provide services for which payment may be made under title XIX of the Social Security Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1101

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Provider Tax Administrative Simplification Act of 2011".

SEC. 2. PROVIDER TAX RULE EXEMPTION FOR CERTAIN CONTINUING CARE RETIREMENT COMMUNITIES.

In the case of a State that has a provider tax that does not apply to continuing care retirement communities or life care communities (as such terms are used for purposes of section 1917(g) of the Social Security Act (42 U.S.C. 1396p(g)) that have no beds that are certified to provide medical assistance (as such term is defined under section 1905(a) of such Act) under title XIX of the Social Security Act or that do not provide services for which payment may be made under title XIX of the Social Security Act, the Secretary of Health and Human Services shall approve a waiver under section 433.68(e)(2)(iii) of title 42 of the Code of Federal Regulations regardless of whether the Secretary determines that the State satisfies the requirements of section 433.68(e)(2)(iii)(B) of such title.

By Mr. DURBIN (for himself, Mr. FRANKEN, and Mr. WHITEHOUSE):
S. 1102. A bill to amend title 11, United States Code, with respect to certain exceptions to discharge in bankruptcy; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, over the past year, students in Illinois have told me their stories of leaving some for-profit colleges with mountains of student loan debt and no job prospects. The students who find themselves in this terrible situation often end up defaulting on their loans. One quarter of students who took out Federal loans to attend for-profit colleges defaulted within three years of starting repayment. Compare that to 11 percent at public colleges and 8 percent at private nonprofit colleges.

The situation for students who take out private student loans to attend for-profit schools can be even worse. A study by the College Board found that students at for-profit schools, unable to get enough government aid to pay their tuition turn to private loans much more than students at traditional schools.

Many large for-profit colleges have begun making loans directly to their students. This private lending can be a boon for the schools. It keeps students in school. It helps the college meet its "90/10" requirement, which keeps the student aid flowing.

Disturbingly, some of the for-profit colleges making these loans do not expect to collect them easily. Corinthian Colleges Executive Vice President and Chief Financial Officer Ken Ord stated in the February 2010 investor call that they anticipate a 56 percent to 58 percent default rate on an estimated \$150 million in internal student lending. Just last month, Ken Ord stated that Corinthian Colleges will seek to nearly double this loan volume.

For-profit colleges like Corinthian are making private loans to students knowing that a majority of the students will struggle to make payments. These companies make significant profits from federal financial aid programs and are able to write off these loans.

This is a disaster for students. These are private student loans with interest

rates and fees that can be as onerous as credit cards. There are reports of private loans with variable interest rates reaching 18 percent. Unlike Federal student loans, there are few consumer protections available for private student loans. Some students who take out private loans find themselves trapped under an enormous amount of debt that they cannot escape. Because of a 2005 change to the bankruptcy law, they are stuck with this debt for the rest of their lives.

Today, along with Senator FRANKEN and Senator WHITEHOUSE, I am introducing a bill that will restore fairness for these students and others who find themselves buried in private student loan debt. Our bill, the Fairness for Struggling Students Act, will allow borrowers of private student loans to discharge those loans in bankruptcy, just as other types of private debt can be discharged. Representatives COHEN and DAVIS are introducing a similar bill in the House.

Before 2005, private student loans issued by for-profit lenders were appropriately treated like credit card debt and other similar types of unsecured consumer debt in bankruptcy. In 2005, a provision was added to law to protect the investments of private lenders that extend private credit to students. The industry has boomed over the past decade. Private student loan volume last year was \$8.5 billion.

Today, I am pleased to introduce a bill that will give students who find themselves in dire financial straits a chance at a new beginning. My bill restores the bankruptcy law, as it pertains to private student loans, to the statute in place before the law was amended in 2005. Under this legislation, privately issued student loans will once again be dischargeable in bankruptcy.

The bankruptcy law was designed to give debtors in severe financial distress a chance for meaningful relief. The current bankruptcy law unjustly punishes men and women who have tried to improve their lives by pursuing a higher education and all too often became victims of predatory private student lenders or predatory for-profit colleges. It is time to restore fairness for student borrowers. I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1102

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fairness for Struggling Students Act of 2011".

SEC. 2. EXCEPTIONS TO DISCHARGE.

Section 523(a)(8) of title 11, United States Code, is amended by striking "dependents, for" and all that follows through the end of subparagraph (B) and inserting "dependents, for an educational benefit overpayment or loan made, insured, or guaranteed by a governmental unit or made under any program

funded in whole or in part by a governmental unit or an obligation to repay funds received from a governmental unit as an educational benefit, scholarship, or stipend;”.

By Mr. LEAHY (for himself, Mr. GRASSLEY, Mrs. FEINSTEIN, and Mr. CHAMBLISS):

S. 1103. A bill to extend the term of the incumbent Director of the Federal Bureau of Investigation; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, earlier this month, the President requested that Congress provide a limited exception to the statutory limit on the service of the FBI Director in order to allow Robert Mueller to continue his service for up to two additional years, until September 2013. I spoke with the President about his request, and understand his desire for continuity and stability in our national security leadership team at a time of great challenge and heightened threat concerns.

On May 12, the President explained in a statement: “Given the ongoing threats facing the United States, as well as the leadership transitions at other agencies like the Defense Department and Central Intelligence Agency, I believe continuity and stability at the FBI is critical at this time.” It is for that reason, along with his confidence in Director Mueller, that the President has made this request of us. The President has asked us “to join together in extending that leadership for the sake of our nation’s safety and security.”

Since the attack on September 11, 2001, I have spoken often of the need for us all to join together. When I spoke to the Senate about the successful operation against Osama bin Laden, I urged all Americans to support our President in his continuing efforts to protect our Nation and keep Americans safe. I reiterated my hope that Americans would stand shoulder-to-shoulder, as we did in the weeks and months immediately following the September 11 attacks, unified in our resolve to keep our Nation secure. And I urged Congress to join together for the good of the country and all Americans. This is one of those times that we must join together.

We face a time of heightened threats, particularly when experts are so concerned about possible reprisal attacks by al Qaeda. Indeed, most Americans share a concern that al Qaeda will try to strike back. So now is not a time for obstruction or delay in considering the President’s request to maintain continuity and stability in his national security team.

We have an opportunity now to set aside partisanship and come together to work with our President to keep America safe. While the threat from al Qaeda continues, and as the President makes necessary shifts in his national security team, I appreciate why President Obama has proposed that we continue the service of President Bush’s appointee to the important leadership position of Director of the FBI. I appreciate

Director Mueller’s willingness to continue in service to the Nation. This was not Bob Mueller’s idea or request. This is the President’s request and, as a patriotic American, Director Mueller is willing to give another two years in service to a grateful Nation.

The Bureau has seen significant transformation since September 11, 2001. Director Mueller has handled this evolution with professionalism and focus. The FBI plays a critical role in our efforts to protect national security. Attorney General Holder said recently: “The United States faces ongoing threats from terrorist intent on attacking us both at home and abroad, and it is crucial that the FBI have sustained, strong leadership to confront that threat.” He is right.

I was encouraged to see the reports that Senator MCCONNELL, the Senate Republican leader, supports the President’s request. I appreciate the comments by Chairman LAMAR SMITH of the House Judiciary Committee, supporting the President’s decision, and stating his agreement that “it is important to maintain continuity for our intelligence community during this transition period.”

I am pleased that Senator GRASSLEY, our ranking Republican on the Senate Judiciary Committee, has joined as a cosponsor of a bill to extend the service of Director Mueller, who Senator GRASSLEY said has “proven his ability to run the FBI” in these “extraordinary times.” I am also pleased that Senators FEINSTEIN and CHAMBLISS, the Chairman and Vice Chairman of the Senate Intelligence Committee, are joining as cosponsors of the bill. We recognize the extraordinary circumstances confronting the President, and support his request for a short extension of Director Mueller’s service. But we also all agree that this needs to be a one-time exception and this measure we join together to introduce today is intended to be a one-time exception and not a permanent extension.

I chaired the Senate Judiciary Committee in the summer of 2001 when President Bush nominated Bob Mueller. The President nominated him on July 18; the Judiciary Committee received his paperwork on July 24; and we held two days of hearings on July 30 and July 31. The Judiciary Committee voted on his nomination on August 2 and the Senate confirmed him that same day. It is already as long from the day that President Obama made his request for the short extension of his term of service as it took us in 2001 to hold hearings and for the Senate to confirm Bob Mueller to a 10-year term as FBI Director. We must not delay action any longer.

Bob Mueller served for three years in the United States Marine Corps; led a rifle platoon in Vietnam; and earned a Bronze Star, two Navy Commendation Medals, the Purple Heart, and the Vietnamese Cross of Gallantry. This is a man who served as the United States Attorney in both Massachusetts and

Northern California, as the Assistant Attorney General for the Criminal Division at the Justice Department, and the acting Deputy Attorney General at the beginning of the George W. Bush administration. This is a man who left a lucrative position in private practice to return to law enforcement after he had served in higher positions, by joining the U.S. Attorney’s office in the District of Columbia as a line prosecutor in the homicide section.

The President could have nominated the next director of the FBI, someone who could serve for the next 10 years, until 2021. That is someone who would serve through the presidential elections in 2012, 2016 and 2020, and into the period long after his own presidency. Instead, he has chosen to ask Congress to extend the term of service of a proven leader for a brief period, given the extenuating circumstances facing our country.

I emphasize that this is not Bob Mueller’s request, it is the President’s. Bob Mueller has served tirelessly and selflessly for 10 years, and is undoubtedly ready to begin the next phase of his life. But Bob has characteristically answered duty’s call and indicated his willingness to continue his service. We should fulfill our duty, as well, and join together without delay to secure the continuity and stability that is demanded at this time, and that is needed to keep our country safe. It is time for us to join together and act on the President’s request.

Mr. President, I ask unanimous consent the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1103

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF THE TERM OF THE INCUMBENT DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION.

Section 1101 of the Omnibus Crime Control and Safe Streets Act of 1968 (28 U.S.C. 532 note) is amended by adding at the end the following:

“(c) With respect to the individual who is the incumbent in the office of the Director of the Federal Bureau of Investigation on the date of enactment of this subsection—

“(1) subsection (b) shall be applied —

“(A) in the first sentence, by substituting ‘12 years’ for ‘ten years’; and

“(B) in the second sentence, by substituting ‘12-year term’ for ‘10-year’ term; and

“(2) the third sentence of subsection (b) shall not apply.”.

Mr. GRASSLEY. Mr. President, the Federal Bureau of Investigation is on the front line in defending our country from terrorists, spies, and criminals. The FBI has a long history dating back over 100 years. The FBI started as an agency formed during President Theodore Roosevelt’s administration when seven Secret Service agents were sent to the Justice Department to create a new investigative bureau. Since that start, the FBI has developed into a

cadre of talented agents who have pioneered new investigative tools advancing law enforcement across the country.

For example, the Bureau agents developed advancements in forensic science, such as fingerprint technology and DNA analysis, now utilized to build investigations from the smallest of clues obtained at crime scenes. Such advancements have allowed the FBI to combat organized crime and international terrorists across the country and around the globe.

Despite these successes, the FBI has also had its share of failures. These include maintaining secret files on elected officials, the investigation of civil rights leaders, the tragedies at Ruby Ridge and Waco, missing internal spy Robert Hanssen, the corruption and misuse of mob informants in the Boston field office, and the failure to connect the dots leading up to the 9/11 attacks. The FBI has also had problems in failing to manage high-profile projects, such as the procurement of information technology upgrades. They have failed to address personnel problems, such as the double standard for discipline that the Justice Department inspector general found agents believe exists. And there were the serious issues that required reform at the FBI crime lab. These are black marks on the history of the FBI.

I have been an outspoken critic of the FBI's culture for many years because of its unwillingness to own up to mistakes. Too often, officials sought to protect the agency's reputation at the expense of the truth. My concerns are magnified by the way the FBI treats internal whistleblowers who come forward and report fraud and abuse. All too often, instead of owning up to problems and fixing them, they circle the wagons and shoot the messenger. The FBI is all too often the exact opposite of an agency that can accept constructive criticism, from both those inside and out.

That said, I must give credit to the FBI when it is due. Following the tragedy of 9/11, the FBI has worked to fix the problems that have occurred. There has been a top-to-bottom transformation at the FBI moving it from a pure law enforcement agency to a national security agency. Chief among those lending this transformation has been FBI Director Robert Mueller. Sworn in as Director just 1 week prior to 9/11, Director Mueller has led the charge to ensure that the FBI is updated into a modern national security agency. This transformation includes upgrading the workforce from an agent-driven model to one that includes an ever-increasing number of intelligence analysts. Director Mueller has taken the transformation head-on and has done an admirable job. I applaud the hard work that has been done, but more work remains. That is why we are here today introducing legislation that will extend the term of FBI Director Mueller for 2 additional

years. I join my colleagues from the Judiciary and Select Intelligence Committees in introducing a one-time statutory exemption that will extend the term of FBI Director Mueller's term by 2 years. I do this recognizing the good work of Director Mueller and against a backdrop of heightened alert to terrorist attack following the death of Osama bin Laden. However, I do this with a heavy heart because I believe the 10-year term is a good thing for both the FBI and the country.

Currently, the law requires that the FBI Director be limited to one single 10-year term. This limitation was put in place in 1976 following a 1968 change in the law making the Director a Presidential appointment. Congress included this term for two main reasons: one, to ensure that the Director was insulated from political influence of the President; two, to ensure that no one individual serves as FBI Director for such a long period of time to amass too much power. The inclusion of a term was part of a series of reforms to government agencies following the Watergate scandal and following the death of former Director J. Edgar Hoover, who had served a 48-year term.

The current term limit has been in place for 35 years. In that time, no Director of the FBI has ever served an entire 10-year term and no President has ever suggested the term limit should be extended. However, on September 4, 2011, FBI Director Mueller would be the first to reach the 10-year mark. President Obama has indicated it is his desire to have Director Mueller stay on for an additional 2 years and has asked us to extend the term.

While I join my colleagues in introducing this extension, I have also asked that we have a hearing in the Senate Judiciary Committee to address this extension. There are significant constitutional concerns that must be addressed, such as whether Congress has the authority to extend the term of a sitting appointee. A concern of this magnitude needs to be discussed in a formal hearing. Additionally, this would be the first time the Congress will be extending the term of the Director in over 35 years and nearly 37 years since a hearing was held on the term of the Director in the Judiciary Committee.

Director Mueller has done an admirable job of reforming an agency under difficult circumstances. While I have my concerns with the precedent that this will set for future Directors—namely, that the term can be extended—I do think that making a one-time exception is warranted in this limited case and with the current existing threats. But I do not want this to become a regular occurrence. This legislation is narrowly tailored to ensure that the intent of Congress is to create only a one-time exception. Further, we will be holding a Judiciary Committee hearing in the near future to address this important, limited, one-time extension. Against that backdrop,

I support this extension and look forward to an open debate and discussion surrounding this legislation.

By Mr. KOHL (for himself and Mr. GRAHAM):

S. 1106. A bill to authorize Department of Defense support for programs on pro bono legal assistance for members of the Armed Forces; to the Committee on Armed Services.

Mr. KOHL. Mr. President, I rise today with Senator GRAHAM to introduce the Justice for Troops Act. This legislation offers a simple solution to a serious problem that affects the well-being of our troops and their families. Today, when service men and women face civil legal problems they often have no access to legal assistance. When these troops face such problems, like child custody issues, complications with leases, mortgage payments or credit card debt that should be protected under the Servicemembers Civil Relief Act, or disputes over a bank account, they often have no access to legal assistance.

Without representation, troops run the risk of losing custody of their children, being evicted from their home, or facing financial ruin. This is unjust, especially when there are many lawyers willing to volunteer their services for free. The Justice for Troops Act would solve this problem by connecting service men and women with pro bono lawyers. It would do so by authorizing the Department of Defense, DoD, to use up to \$500,000 of funds already appropriated for operation and maintenance to support programs that make these connections and ensure that our troops have access to the legal representation they need.

All branches of the military provide our service men and women with basic legal services on-base through legal assistance officers, Judge Advocate Generals, JAGs, but they generally cannot represent service members in court or provide legal assistance in other parts of the country. When troops encounter legal problems that JAGs are not able to handle, they are left on their own to find a lawyer. This burden can arise if a service member is stationed in one state, but his or her home, family, or bank accounts are located in another. On-base JAG officers are unable to help with bankruptcy, child support issues, and other legal challenges that arise in a different state. As the number of deployed troops has increased since 2001, the gap between their legal needs and the offerings of JAG offices has widened. In some cases, JAG officers have referred troops who cannot afford a lawyer to programs that connect them with pro bono lawyers. Other cases have been left unresolved, to the detriment of our troops, their families, and the readiness of our armed forces.

Today, there are limited services available to help troops with legal problems that cannot be handled by JAGs, but they are unable to fully meet the growing need. Some law

school clinics, state bar associations, and the American Bar Association's Military Pro Bono Project connect active-duty military personnel and their families to free legal assistance beyond what military legal offices can offer. They maintain lists of attorneys who are willing to provide their services free of charge to service members and, in conjunction with the DoD, reach out to on-base JAG offices to encourage them to refer troops to their programs.

Unfortunately, these programs have a long way to go to meet the increasing demand for their pro bono legal services, and too many troops still go without legal help. Furthermore, existing programs are limited in their ability to connect troops with pro bono lawyers because funding to support them is scarce. With access to only \$500,000, pro bono projects would be able to build more connections, ensure that every JAG office knows how to refer service members to the programs, and grow their databases of pro bono lawyers. This small investment would be leveraged into providing free legal assistance to countless men and women who serve our country. We will no doubt enhance our military readiness by eliminating the stress and anxiety caused by legal problems.

The Justice for Troops Act is supported by the Department of Defense, the Military Officers Association of America, the Southern Wisconsin Chapter of the Military Officers Association of America, the National Military Family Association, the National Guard Association of the United States, the Wisconsin National Guard Association, the Association of the US Army, the Air Force Association, and the Gold Star Wives of America.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1106

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Justice for Troops Act".

SEC. 2. DEPARTMENT OF DEFENSE SUPPORT FOR PROGRAMS ON PRO BONO LEGAL ASSISTANCE FOR MEMBERS OF THE ARMED FORCES.

(a) **SUPPORT AUTHORIZED.**—The Secretary of Defense may provide support to one or more public or private programs designed to connect attorneys who provide pro bono legal assistance with members of the Armed Forces who are in need of such assistance.

(b) **FINANCIAL SUPPORT.**—

(1) **IN GENERAL.**—The support provided a program under subsection (a) may include financial support of the program.

(2) **LIMITATION ON AMOUNT.**—The total amount of financial support provided under subsection (a) in any fiscal year may not exceed \$500,000.

(3) **FUNDING.**—Amounts for financial support under this section shall be derived from amounts authorized to be appropriated for the Department of Defense for operation and maintenance.

By Mr. ENZI (for himself and Mr. CASEY):

S. 1110. A bill to amend the Small Business Act to permit agencies to count certain contracts toward contracting goals; to the Committee on Small Business and Entrepreneurship.

Mr. ENZI. Mr. President, I rise today to introduce the Small Business Fairness Act. I want to first thank my colleague Senator CASEY from Pennsylvania for cosponsoring this important legislation with me. Promoting small business is not a Republican or a Democrat issue; it is an economic issue that is of even more importance as we consider ways to help improve our Nation's job situation. This bill is just one of many efforts that I hope Congress can consider this year that will help promote the needs of our small businesses on Main Street.

This particular issue involves a rule currently in place that prevents agencies from counting their government procurement contracts toward their statutory obligations if a small business is a member of a cooperative or association of other small businesses. While the rule was well intended when it was written, it likely never anticipated the growth of small businesses that pool their resources into teaming agreements to compete for large government contracts.

This bill, the Small Business Fairness Act, helps address this issue. The Internet and other resources in recent years have helped small businesses identify and partner with other businesses to make competitive bids for government contracts. Not every small business can meet the contracting needs of federal agencies, however, as a group they can often offer competitive bids for some of the largest government contracts being offered. We know that the Federal Government is one of the largest consumers of products and it is only right to make sure our small businesses can group with other small businesses for their own mutual benefit. The bill is specifically designed to ensure that agencies can do business through teaming agreements with small businesses that qualify through the Small Business Administration as socially or economically disadvantaged firms. This includes businesses owned by service-disabled veterans, women-owned small businesses and firms located in qualified HUBZones. Without this bill, an agency can do business with a small entity through a teaming agreement but cannot count that business towards its statutory obligations for small business set-asides.

As a former small business owner and a member of the Small Business Committee, I am a firm believer that small businesses should be able to access government contracts. These contracts help businesses diversify and offer new opportunities for their products. That is why for over 9 years I have helped to host a Procurement Conference in Wyoming where contactors can meet with our State's small businesses to ensure

the Federal Government gets the goods and services they need.

This bill is a step in the right direction to help our small businesses and I look forward to opportunities to discuss this and other efforts that help our small businesses succeed.

By Mr. ROCKEFELLER (for himself, Ms. STABENOW, and Mr. BROWN of Ohio):

S. 1117. A bill to amend section 35 of the Internal Revenue Code of 1986 to improve the health coverage tax credit, and for other purposes; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, when Congress passed the Trade Act of 2002, we made a promise to American workers that the potential loss of jobs due to trade policy will not equal the loss of health care coverage. The health coverage tax credit, HCTC, was designed to help American workers retain health insurance coverage when their jobs are displaced by outsourcing—and it has been a lifeline for these middle-class families who simply cannot afford coverage on their own. In 2010, an Internal Revenue Service survey found that 90 percent of HCTC participants are very satisfied with the program.

However, despite the high satisfaction rate among participants, far too many trade-displaced workers are not able to take advantage of this important program. Historically, fewer than 30,000 of the hundreds of thousands of potentially eligible individuals each year have participated in the HCTC. These hundreds of thousands of laid-off workers and retirees have been left uninsured because the program still has several barriers to enrollment, and despite the 65 percent subsidy provided by the program, the premiums are prohibitively high for some workers.

I have heard from steel retirees and widows in my state about how unaffordable the TAA health care tax credit is. I have been very frustrated, just as I was when this bill passed, that we have not been able to make the credit as affordable and accessible as possible for people who need it the most—laid-off workers and retirees who have very limited income.

The Government Accountability Office, GAO, and several consumer advocacy groups and research organizations have cited affordability as the primary reason for low participation in the HCTC program. The bottom line is that a 65 percent subsidy is simply not enough for many to afford the high cost of health insurance premiums. The American Recovery and Reinvestment Act of 2009, which reauthorized the Trade Adjustment Assistance Act, made several temporary changes to expand eligibility for and benefits of the HCTC program. These changes included an increase in the tax credit's subsidy rate from 65 percent to 80 percent of the health insurance premium, and expanded TAA eligibility to additional workers. The GAO released a report

last year on the credit and found that HCTC participation increased after these key Recovery Act changes took effect. As a result of the Recovery Act, many more people eligible for the program felt they could afford a qualified health plan and afford to pay their share of monthly premiums. However, 33 percent still could not afford their share of monthly premiums, even with the credit and these expanded provisions expired on February 13, 2011.

As our economy continues its recovery, it is critical to build on this program to help more Americans secure health coverage. The TAA Health Coverage Improvement Act would extend the Recovery Act's temporary provisions, and it would also address the issues of affordability by increasing the subsidy amount from 65 percent to 95 percent, retroactive to the date the Recovery Act expired.

This legislation also addresses the issue of affordability by placing limits on the use of the individual market, as Congress intended under the original law. The Trade Act of 2002 specified that the health insurance credit could not be used for the purchase of health insurance coverage in the individual market except for HCTC-eligible workers who previously had a private, non-group coverage policy 30 days prior to separation from employment. However, states have been allowed by prior Administrations to create state-based coverage options in the individual market for any HCTC beneficiaries, including those who did not have individual market coverage one month prior to separation from employment. As a result, there are people who had employer-based coverage prior to separation from employment who are now being covered in the individual market. This was not the intent of the law. To make matters worse, this interpretation undermines the consumer protections set forth in the law because individual market plans are allowed to vary premiums based on age and medical status. In one state GAO reviewed for its report, because of medical underwriting, HCTC recipients in less-than-perfect health were charged almost six times the premiums charged to recipients rated in the healthiest category. The legislation I am introducing today addresses this problem by clarifying that states can only designate individual market coverage within guidelines of 30-day restriction and by requiring individual market plans to be community-rated.

Second, this legislation guarantees that eligible workers will have access to comprehensive group health coverage. Group coverage is what people know. The vast majority of laid-off workers and PBGC retirees had employer-sponsored group coverage prior to losing their jobs or pension benefits. The TAA Health Coverage Improvement Act designates the Federal Employees Health Benefit Plan, FEHBP, as a qualified group option in every State, so that displaced workers na-

tionwide will have access to the same type of affordable, comprehensive coverage they were used to when they were employed.

Third, the TAA Health Coverage Act clarifies the three month continuous coverage requirement. Under the original TAA statute, displaced workers are required to maintain three months of continuous health insurance coverage in order to qualify for certain consumer protections. Those protections are guaranteed issue, no preexisting condition exclusion, comparable premiums, and comparable benefits. Congress intended this three month period to be counted as the three months prior to separation from employment. However, the Administration has interpreted the three month requirement as three months of health insurance coverage prior to enrollment in the new health plan, which usually is after separation from employment and after certification of TAA eligibility. Many laid-off workers and PBGC recipients cannot afford to maintain health coverage in the months between losing their jobs and TAA certification and, therefore, lose eligibility for the statutorily-provided consumer protections. This legislation corrects this problem by clarifying that three months of continuous coverage means three months prior to separation from employment.

Fourth, this bill allows spouses and dependents to maintain eligibility for the health coverage tax credit if the worker or retiree becomes eligible for Medicare. Younger spouses and dependents of Medicare-eligible individuals have not been able to receive the subsidy because eligibility runs through the worker or retiree. This technicality is unfair to individuals who rely on health coverage through their spouses or parents.

Finally, this legislation streamlines the HCTC enrollment process and makes it easier for trade-displaced workers to access health insurance coverage. According to GAO, two of the factors contributing to low participation include a complicated and fragmented enrollment process and the inability of workers to pay 100 percent of the premium during the 3 to 6 months they are waiting to enroll in advance payment. This legislation includes a presumptive eligibility provision that allows displaced workers to enroll in a qualified health plan and receive the HCTC immediately upon application to the Department of Labor for certification. There is also a provision which directs the Treasury Secretary to pay 100 percent of the cost of premiums directly to the health plans during the months TAA-eligible workers are waiting for advance payment to begin. This legislation allows workers to be eligible for the HCTC even if they are not receiving training, an important provision that was included in the Recovery Act. The current training requirement subjects families to a loss of health coverage when transportation, relocation, or childcare issues interfere with

an individual's ability to participate in training.

As a former Governor, I know how important Trade Adjustment Assistance is to individuals who have lost their jobs due to trade. In West Virginia, thousands of workers have lost their jobs as a result of trade policy. While adjusting to the loss of employment, these individuals still have to pay mortgages, put food on the table, and care for their families. Finding affordable health care adds a significant burden to their worries. The TAA health coverage tax credit is designed to help American workers retain health insurance coverage during this very difficult transition.

Since 2002, the HCTC program has been a lifeline for tens of thousands of participants. But for many others who face barriers to participation, the HCTC program is not living up to its potential. The GAO has given us a very specific diagnosis of the problems, and the Recovery Act has shown us that the situation can improve for trade-displaced workers. The TAA Health Coverage Improvement Act builds upon the Trade Act of 2002 and the lessons we have learned since in order to make the health coverage tax credit workable for eligible individuals and their families. I look forward to working with my colleagues to pass this important legislation.

By Mr. INOUYE (for himself, Mr. ROCKEFELLER, Mr. BEGICH, Ms. SNOWE, and Ms. MURKOWSKI):

S. 1119. A bill to reauthorize and improve the Marine Debris Research, Prevention, and Reduction Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. INOUYE. Mr. President, I am pleased to introduce the Trash Free Seas Act of 2011, a bill to reauthorize and strengthen the Marine Debris Research, Prevention, and Reduction Act, MDRPRA. This act, of which I am proud to have been the original sponsor, was first passed in 2006 to address the pervasive issue of marine debris which is found in myriad forms throughout our oceans. It created programs in both the National Oceanic and Atmospheric Administration, NOAA, and the U.S. Coast Guard that research, track, and work to mitigate and remove marine debris and its associated impacts. The Trash Free Seas Act would update these programs to incorporate advances in our understanding of the issue and allow for greater regional and international coordination in our mitigation efforts.

Marine debris is a catch-all term that encompasses everything from floating refuse to lost fishing nets and pieces of micro-plastic. In all its forms, however, it is something that was once manufactured and has since been lost at sea through accident, intent, or act of nature. Once at sea, the impacts of marine debris may reach unintended shores as it drifts on ocean currents

and harms our ecosystems and economies. This harm may come from direct interactions such as physical damage to a coral reef or fishing vessel; through indirect impacts such as the concentration of harmful chemicals in floating plastics; or from a reduction in tourism due to the unsightliness of a littered beach. In every case we should be responding by working to reduce the overall problem on a global scale and by striving to mitigate specific impacts.

As an island State, Hawaii is particularly susceptible to the impacts of marine debris and, all the more so, because we are located near the center of a great network of ocean currents in the Pacific that tend to concentrate debris into a wide region known as the "garbage patch". For this reason, our State has long been at the forefront in dealing with this issue and in fact we have recently become the first State to develop and implement a comprehensive marine debris action plan. This Plan, along with the programs at NOAA and the Coast Guard, are likely to be even more valuable to us in the coming years as recent research suggests that the tragic Great East Japan Earthquake and Tsunami that struck in March, resulted in a tremendous amount of lost infrastructure that may reach our shores as debris in as little as 1 to 2 years.

The Trash Free Seas Act of 2011 would strengthen our ability to respond to the pervasive problem of marine debris by incorporating marine debris removal as an explicit purpose of the programs; clarifying research and assessment and reduction, prevention, and removal as two distinct components of the NOAA program; and including tool development, regional coordination, and promoting international action as explicit program functions.

I ask that my colleagues join me in supporting this important legislation.

By Mr. CARDIN (for himself, Mr. BLUNT, and Ms. STABENOW):

S. 1120. A bill to encourage greater use of propane as a transportation fuel, to create jobs, and for other purposes; to the Committee on Finance.

Mr. CARDIN. Mr. President, I rise today to introduce the Propane Green Autogas Solutions Act of 2011. I am pleased to note that the junior Senators from Missouri, Mr. BLUNT, and Michigan, Ms. STABENOW, are original cosponsors of this measure. Our bill extends for five years Federal Alternative Fuel Tax Credits for Propane Used as a Motor Fuel, Propane Vehicles, and Propane Refueling Infrastructure.

Propane "autogas" is a reliable, domestically produced alternative fuel with lower greenhouse gas, GHG, emissions than gasoline. Sixty percent of propane, also known as liquefied petroleum gas, LPG, derived from natural gas processing and 40 percent is a by-product of crude oil refining. Since LPG is derived from fossil fuels, burn-

ing it releases carbon dioxide, CO₂. The advantage is that LPG releases less CO₂ per unit of energy than oil and burns cleanly with regard to particulates.

At present, one propane-powered light-duty vehicle, LDV, and several heavy-duty vehicle, HDV, propane engines and fueling systems are available from U.S. original equipment manufacturers, OEM. Because other countries offer more OEM options in propane vehicles, thorough testing to compare emissions with reformulated gasoline has been conducted on these vehicles and engines in Europe. Two of these tests were combined and the results are promising with respect to lower particulate matter, PM, nitrogen oxides, NO_x, carbon monoxide, CO, and total hydrocarbon, THC, emissions, as the chart below details:

To augment LPG's generally cleaner combustion properties, propane engines can be calibrated to choose between pollutants, making the engine additionally useful in achieving regional or local pollution-reduction targets. A rich calibration reduces nitrogen oxides, NO_x, at the expense of increasing CO and non-methane hydrocarbons and a lean calibration does just the opposite.

Propane is in surplus worldwide with 93 percent of U.S. propane produced domestically when combined with supply from Canada. A national infrastructure of pipelines, processing facilities, and storage, i.e., 59 million barrel capacity in Texas alone, already exists for the efficient distribution of propane and there are roughly 3,200 propane dispensing stations across the U.S. Propane supply is expected to increase over the next several decades, which means more consumer availability and price stability.

Commercial fleets are the propane autogas vehicle target market. The Energy Policy Act of 2005 (EPACT 2005) and the 2005 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, SAFETEA-LU, transportation reauthorization established significant tax incentives for propane autogas to stimulate its use in motor vehicles to reduce U.S. dependence on foreign oil and reduce environmental impacts associated with gasoline and diesel fuel use. The 2005 legislation provided the following alternative fuel tax credits that benefit propane autogas, all of which would be extended under the legislation Senators BLUNT and STABENOW and I are introducing today.

Propane Fuel Credits—SAFETEA-LU included a 50 cent per gallon credit for propane sold for use in motor vehicles. This credit expires at the end of 2011.

Propane Vehicle Credits—EPACT 2005 included a tax credit to consumers who purchase OEM propane vehicles or convert gasoline or diesel engines. The amount of credit the consumer receives varies depending on vehicle weight and emissions. This credit is currently expired.

Propane Infrastructure Credits—EPACT 2005 provided a tax credit amounting to 30 percent of the cost of a fueling station, not to exceed \$30,000 per station. This credit expires at the end of 2011.

The Propane Act would extend these three tax credits for 5 years. For the credits to have a meaningful effect in firmly establishing a robust propane autogas market, they should be in place for a defined period of time, not extended from year-to-year in a haphazard fashion. Congress should not wait to act until the credits are about to expire because market uncertainty regarding the credits undermines the effectiveness of the incentives and discourages the kind of investment that Congress wants the private sector to make in alternative fuels. The Propane Green Autogas Solutions Act, if enacted, would offer the long-term policy commitment necessary to continue building essential alternative fuel infrastructure and bolster a burgeoning autogas market. Private investment is much more likely to occur when the availability of the tax credits is assured in the long-term so the propane industry can create the economies of scale necessary to make propane autogas a viable and competitive alternative fuel.

There is no score for the bill yet. The National Propane Gas Association, NPGA, has retained an economic research firm to perform a comprehensive economic review that will look at costs and offsetting benefits, job creation, economic growth, etc.; foreign petroleum gallons displaced; and the positive environmental impact of extending the tax credits. The study will be available shortly and will share it with my colleagues when it becomes available.

Recent rapid price increases for gasoline and diesel fuel have hurt Americans families and businesses. This weekend is Memorial Day weekend, the unofficial beginning of the summer and the summer driving season. Our Nation needs to come to grips with a few fundamental facts. We have 2-3 percent of the world's oil reserves. We account for about 5 percent of the world's population. We currently produce 11 percent of the world's oil, up 11 percent over the last 2 years, in large part because we have more drilling rigs in operation right now than the rest of the world combined—by 50 percent. We account for 25 percent of the world's oil consumption. "Drill here, drill now, pay less" is a catchy slogan, but it's not a solution to our energy woes. As T. Boone Pickens himself has said, we cannot drill our way of this problem. The best way for the United States to put downward pressure on gasoline and diesel prices is through demand reduction since we are the world's biggest consumers of petroleum products by far. The Propane Green Autogas Solutions Act offers one way to reduce our demand—by substituting propane for gasoline or diesel fuel. Propane is a domestic transportation fuel. It is less

expensive than gasoline and diesel fuel. It burns more cleanly. These are all good things. I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1126

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the “Propane Green Autogas Solutions Act of 2011”.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. MODIFICATION AND EXTENSION OF ALTERNATIVE FUEL CREDIT.

(a) ALTERNATIVE FUEL CREDIT.—Paragraph (5) of section 6426(d) is amended by inserting “, and December 31, 2016, in the case of any sale or use involving liquefied petroleum gas” after “hydrogen”.

(b) ALTERNATIVE FUEL MIXTURE CREDIT.—Paragraph (3) of section 6426(e) is amended by inserting “, and December 31, 2016, in the case of any sale or use involving liquefied petroleum gas” after “hydrogen”.

(c) PAYMENTS RELATING TO ALTERNATIVE FUEL AND ALTERNATIVE FUEL MIXTURES.—Paragraph (6) of section 6427(e) is amended—

(1) in subparagraph (C)—

(A) by striking “subparagraph (D)” in subparagraph (C) and inserting “subparagraphs (D) and (E)”, and

(B) by striking “and” at the end thereof,

(2) by striking the period at the end of subparagraph (D) and inserting “, and”, and

(3) by adding at the end the following:

“(E) any alternative fuel or alternative fuel mixture (as so defined) involving liquefied petroleum gas sold or used after December 31, 2016.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to liquefied petroleum gas sold or used after the date of the enactment of this Act.

SEC. 3. EXTENSION AND MODIFICATION OF NEW QUALIFIED ALTERNATIVE FUEL MOTOR VEHICLE CREDIT.

(a) IN GENERAL.—Paragraph (4) of section 30B(k) is amended by inserting “(December 31, 2016, in the case of a vehicle powered by liquefied petroleum gas)” before the period at the end.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 4. EXTENSION OF ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

(a) IN GENERAL.—Subsection (g) of section 30C is amended by striking “and” at the end of paragraph (1), by redesignating paragraph (2) as paragraph (3), and by inserting after paragraph (1) the following new paragraph:

“(2) in the case of property relating to liquefied petroleum gas, after December 31, 2016, and”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

By Mr. WHITEHOUSE (for himself, Mr. ALEXANDER, and Mr. UDALL of Colorado):

S. 1126. A bill to amend the Energy Independence and Security Act of 2007 to authorize the Secretary of Energy to insure loans for financing of renewable energy systems leased for residential use, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WHITEHOUSE. Mr. President, I rise today to introduce the Renewable Energy Access through Leasing Act of 2011 or the REAL Act of 2011. I'd like to thank Senator LAMAR ALEXANDER and Senator MARK UDALL for joining in this bipartisan effort.

Many homeowners would like to install solar panels or other renewable energy systems, but face the daunting challenge of paying the upfront cost for the technology. To purchase and install a new solar energy system, for example, can cost between \$20,000 and \$30,000. This is a significant and often prohibitive cost, even when more than justified by long-term savings.

A promising option to promote residential use of renewable energy is leasing. Here is how it works: A company pays to purchase and install the system and the homeowner pays a fixed monthly fee to lease the renewable energy system from the company. It is easy for the homeowner, often requires no upfront cost, and can even save them money on electricity bills. Leasing has been successfully used for everything from satellite TV dishes to car. Why not solar panels too?

One of the problems has been that renewable energy system leasing does not have a well-established financial market. Investors are reluctant to pursue these opportunities, in large part because of the uncertain lifespan of the renewable energy systems. The REAL Act would address that problem by having the Department of Energy insure the value of the lease. This would help create a secondary market for renewable energy system leases to residential customers, freeing up additional capital to invest in these programs.

The benefits of renewable energy are manifold and well-documented. Renewable energy creates jobs. From the engineers who design the systems to the technicians who install them, this industry has the potential to support thousands of new jobs.

Renewable energy promotes energy independence. Oil still accounts for approximately 40 percent of our total energy needs, and seventy percent of this oil is imported from foreign countries, many of whom, to put it mildly, are not committed to our best interests. We are sending \$1 billion per day overseas to fund this addiction.

Renewable energy reduces harmful pollution. Many of our current dirty sources of energy are significant contributors to air pollution, leading to increased cases of asthma, respiratory diseases, and birth defects. Moreover, these energy sources are significant contributors to global climate change, harming our communities through sea

level rise and increased extreme weather. Rapidly rising greenhouse gas concentrations are also putting severe strain on our oceans through acidification and temperature change, creating conditions not seen for millions of years. In my home state of Rhode Island, the Narragansett Bay has witnessed a 4 degree increase in average annual temperature, causing what amounts to a full ecosystem shift.

It is hard to disagree that renewable energy offers solutions to many of the problems facing our country. But there is often disagreement about the best way forward to promote renewable energy. Some are concerned about the budget impact of promoting renewable energy, some are concerned about government mandates, and some are concerned about government subsidies. While we may disagree on other means to promote renewable energy, I am hoping that we can all agree on this bipartisan proposal.

The REAL Act would not add a dime to the budget deficit. The Congressional Budget Office scored similar legislation last Congress as having no budget impact. It achieves this goal because the insurance program is paid for entirely through premiums. The bill also protects the taxpayer in the case of a default because the government has the right to collect revenues directly from the renewable energy system.

The REAL Act is not a subsidy and requires no appropriation. It relies on the value of the renewable energy system itself to provide the basis for the insurance.

The REAL Act is also not a mandate. It has no requirement to use the leasing mechanism, but merely facilitates the expansion of renewable energy leasing to homeowners.

While this bill is only one piece of the puzzle to solving our overall energy problem, I hope that it is a piece we can all agree on. Providing additional options to lease renewable energy systems is a win for our homeowners, our economy, and our environment.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1126

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Renewable Energy Access through Leasing Act of 2011” or the “REAL Act of 2011”.

SEC. 2. LOANS FOR FINANCING OF RENEWABLE ENERGY SYSTEMS LEASED FOR RESIDENTIAL USE.

Subtitle A of title IV of the Energy Independence and Security Act of 2007 is amended by inserting after section 413 (42 U.S.C. 17071) the following:

“SEC. 414. LOANS FOR FINANCING OF RENEWABLE ENERGY SYSTEMS LEASED FOR RESIDENTIAL USE.

“(a) PURPOSES.—The purposes of this section are—

“(1) to encourage residential use of renewable energy systems by minimizing upfront costs and providing immediate utility cost savings to consumers through leasing of those systems to homeowners;

“(2) to reduce carbon emissions and the use of nonrenewable resources;

“(3) to encourage energy-efficient residential construction and rehabilitation;

“(4) to encourage the use of renewable resources by homeowners;

“(5) to minimize the impact of development on the environment;

“(6) to reduce consumer utility costs; and

“(7) to encourage private investment in the green economy.

“(b) DEFINITIONS.—In this section:

“(1) AUTHORIZED RENEWABLE ENERGY LENDER.—The term ‘authorized renewable energy lender’ means a lender authorized by the Secretary to make a loan under this section.

“(2) RENEWABLE ENERGY SYSTEM LEASE.—The term ‘renewable system energy lease’ means an agreement between an authorized renewable energy system owner and a homeowner for a term of not less than 5 years, under which the homeowner—

“(A) grants an easement to the renewable energy system owner to install, maintain, use, and otherwise access the renewable energy system; and

“(B) agrees to—

“(i) lease the use of the system from the renewable energy system owner; or

“(ii) a power purchase agreement.

“(3) RENEWABLE ENERGY MANUFACTURER.—The term ‘renewable energy manufacturer’ means a manufacturer of renewable energy systems.

“(4) RENEWABLE ENERGY SYSTEM.—The term ‘renewable energy system’ means a system of energy derived from—

“(A) a wind, solar (including photovoltaic and solar thermal), biomass (including biodiesel), or geothermal source; or

“(B) hydrogen derived from biomass or water using an energy source described in subparagraph (A).

“(5) RENEWABLE ENERGY SYSTEM OWNER.—The term ‘renewable energy system owner’ means a homebuilder, a manufacturer or installer of a renewable energy system, or any other person, as determined by the Secretary.

“(c) AUTHORITY.—

“(1) IN GENERAL.—The Secretary may, on application by an authorized renewable energy system owner, insure or make a commitment to insure a loan made by an authorized renewable energy lender to a renewable energy system owner to finance the acquisition of a renewable energy system for lease to a homeowner for use at the residence of the homeowner.

“(2) TERMS AND CONDITIONS.—The Secretary may prescribe such terms and conditions for insurance under paragraph (1) as are consistent with the purposes of this section.

“(d) LIMITATION ON PRINCIPAL AMOUNT.—

“(1) LIMITATION.—The principal amount of a loan insured under this section shall not exceed the residual value of the renewable energy system to be acquired with the loan.

“(2) RESIDUAL VALUE.—For purposes of this subsection—

“(A) the residual value of a renewable energy system shall be the fair market value of the future revenue stream from the sale of the expected remaining electricity production from the system, pursuant to the easement granted in accordance with subsection (e); and

“(B) the fair market value of the future revenue stream for each year of the remaining life of the renewable energy system shall be determined based on the net present value of the power output production warranty for

the renewable energy system provided by the renewable energy manufacturer and the forecast of regional residential electricity prices made by the Energy Information Administration of the Department.

“(e) EASEMENT.—

“(1) IN GENERAL.—The Secretary may not insure a loan under this section unless the renewable energy system owner certifies, in accordance with such requirements as the Secretary shall establish, consistent with the purposes of this section, that the renewable energy system financed will be leased only to a homeowner that grants an easement to install, maintain, use, and otherwise access the renewable energy system that includes the right to sell electricity produced during the life of the renewable energy system to a wholesale or retail electrical power grid.

“(2) ASSUMABLE LEASE.—The renewable energy system lease shall specify that the renewable energy system lease can be assumed by new homeowners.

“(f) DISCOUNT OR PREPAYMENT.—

“(1) IN GENERAL.—To encourage the use of renewable energy systems, the Secretary shall ensure that a discount given to a homeowner by a renewable energy system owner or other investor or prepayment of a renewable energy system lease by a renewable energy system owner does not adversely affect the mortgage requirements of the homeowner.

“(2) CONSULTATION.—In carrying out this subsection, the Secretary may consult with agencies and entities involved in oversight of home mortgages.

“(g) ELIGIBILITY OF LENDERS.—The Secretary may not insure a loan under this section unless the lender making the loan is an institution that meets such requirements as the Secretary shall establish for participation of renewable energy lenders in the program under this section.

“(h) CERTIFICATE OF INSURANCE.—

“(1) IN GENERAL.—The Secretary shall issue to a lender that is insured under this section a certificate that serves as evidence of insurance coverage under this section.

“(2) CONTENTS OF CERTIFICATE.—The certificate required under paragraph (1) shall describe the fair market value of the future revenue stream for each year of the remaining life of the renewable energy system.

“(3) FULL FAITH AND CREDIT.—The certificate required under paragraph (1) shall be backed by the full faith and credit of the United States.

“(i) PAYMENT OF INSURANCE CLAIM.—

“(1) FILING OF CLAIM.—The Secretary shall provide for the filing of claims for insurance under this section and the payment of the claims.

“(2) PAYMENT OF CLAIM.—A claim under paragraph (1) may be paid only on a default under the loan insured under this section and the assignment, transfer, and delivery to the Secretary of—

“(A) all rights and interests arising under the loan; and

“(B) all claims of the lender or the assigns of the lender against the borrower or others arising under the loan transaction.

“(3) LIEN.—

“(A) IN GENERAL.—On payment of a claim for insurance of a loan under this section, the Secretary shall hold a lien on the underlying renewable energy system assets and any associated revenue stream from the use of the system, which shall be superior to all other liens on the assets.

“(B) RESIDUAL VALUE.—The residual value of the renewable energy system and the revenue stream from the use of the system shall be not less than the unpaid balance of the loan amount covered by the certificate of insurance.

“(C) REVENUE FROM SALE.—The Secretary shall be entitled to any revenue generated by the renewable energy system from selling electricity to the grid when an insurance claim has been paid out.

“(j) ASSIGNMENT AND TRANSFERABILITY OF INSURANCE.—A renewable energy system owner or an authorized renewable energy lender that is insured under this section may assign or transfer the insurance, in whole or in part, to another owner or lender, subject to such requirements as the Secretary may prescribe.

“(k) PREMIUMS AND CHARGES.—

“(1) INSURANCE PREMIUMS.—

“(A) IN GENERAL.—The Secretary shall fix and collect premiums for insurance of loans under this section, that shall be—

“(i) paid by the applicant renewable energy system owner at the time of issuance of the certificate of insurance to the lender; and

“(ii) adequate, as determined by the Secretary, to cover the expenses and probable losses of administering the program under this section.

“(B) DEPOSIT OF PREMIUM.—The Secretary shall deposit any premiums collected under this subsection in the Renewable Energy Lease Insurance Fund established by subsection (l).

“(2) PROHIBITION ON OTHER CHARGES.—Except as provided in paragraph (1), the Secretary may not assess any other fee (including a user fee), insurance premium, or charge in connection with loan insurance provided under this section.

“(l) RENEWABLE ENERGY LEASE INSURANCE FUND.—

“(1) FUND ESTABLISHED.—There is established in the Treasury of the United States the Renewable Energy Lease Insurance Fund (referred to in this subsection as the ‘Fund’), which shall be available to the Secretary without fiscal year limitation, for the purpose of providing insurance under this section.

“(2) CREDITS.—The Fund shall be credited with—

“(A) any premiums collected under subsection (k)(1);

“(B) any amounts collected by the Secretary under subsection (i)(3); and

“(C) any associated interest or earnings.

“(3) AVAILABILITY.—Amounts in the Fund shall be available to the Secretary for—

“(A) fulfilling any obligations with respect to insurance for loans provided under this section; and

“(B) paying administrative expenses in connection with this section.

“(4) EXCESS AMOUNTS.—The Secretary may invest in obligations of the United States any amounts in the Fund determined by the Secretary to be in excess of amounts required at the time of the determination to carry out this section.

“(m) INELIGIBILITY FOR PURCHASE BY FEDERAL FINANCING BANK.—Notwithstanding any other provision of law, no debt obligation that is insured or committed to be insured by the Secretary under this section shall be subject to the Federal Financing Bank Act of 1973 (12 U.S.C. 2281 et seq.).

“(n) REGULATIONS.—

“(1) IN GENERAL.—The Secretary shall issue such regulations as are necessary to carry out this section.

“(2) MULTIFAMILY HOUSING.—In issuing the regulations, the Secretary shall ensure that multifamily housing units are eligible for programs established by this section.

“(3) TIMING.—Not later than 180 days after the date of enactment of this section, the Secretary shall issue interim or final regulations.

“(o) TERMINATION OF AUTHORITY.—The authority of the Secretary to insure and make commitments to insure new loans under this

section shall terminate on the date that is 10 years after the date of enactment of this section.”.

By Mr. ROCKEFELLER:

S. 1130. A bill to strengthen the United States trade laws and for other purposes; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, today I am introducing the Strengthening America's Trade Laws Act, legislation that will protect American businesses and workers by ensuring that they can compete on a level playing field with foreign companies.

The legislation I am introducing today should be viewed as a placeholder for a more comprehensive updated bill that I plan on introducing after the recess. Given the potential for legislative action at any time on Trade Adjustment Assistance, the three pending Free Trade Agreements, and the continuing harm caused by illegally dumped foreign goods, I thought it was imperative that I introduce this bill today and move the discussion of our country's trade policy forward.

The Strengthening America's Trade Laws Act allows the government to live up to its commitment to protect American businesses by allowing the businesses being harmed by unfairly subsidized imports to have a seat at the table in trade dispute proceedings. It also strengthens countervailing duty laws that are used to impose tariffs on goods from countries like China that are being unfairly subsidized.

Importantly, my bill would prevent the World Trade Organization, WTO, from dictating American policy by mandating that Congress must approve of any regulatory change to American law that is meant to conform with an adverse WTO decision.

This bill goes after countries that use currency manipulation to keep their prices artificially low by allowing the American government to treat this manipulation as an unfair subsidy that can be responded to with countervailing duties.

My bill also allows a panel of judicial experts to review recent adverse WTO decisions to ensure that they were made correctly and that obligations are not being imposed on the United States that our government has not previously agreed to.

These steps are important because businesses like those in my home state of West Virginia face a constant threat from foreign made goods that are being sold at prices well below cost in an effort to drive American businesses out of the marketplace altogether. In West Virginia, we know all too well the impact these unfair practices can have, as numerous manufacturing businesses have closed in recent years in response to these challenges.

I have worked through the system to try to protect our employers, testifying numerous times before the International Trade Commission on behalf of West Virginia businesses, including our steel industry, in an effort to get

the government to counter unfair subsidies and give American manufacturers a fighting chance in the global marketplace. It has become clear to me through the years though that the current protections are not strong enough and that more must be done to allow our businesses to compete. That is what I hope to accomplish with this bill. I am not asking for any unfair advantages for American businesses. I just want to allow them the opportunity to succeed on the merits of their ideas and their hard work.

I ask my colleagues to join me in supporting this important legislation and thank the chair for allowing me to speak on this issue.

By Mr. WYDEN (for himself, Ms. SNOWE, Mrs. MCCASKILL, Mr. BLUNT, Mr. BROWN of Ohio, Mr. PORTMAN, and Mr. SCHUMER):

S. 1133. A bill to prevent the evasion of antidumping and countervailing duty orders, and for other purposes; to the Committee on Finance.

Mr. WYDEN. Mr. President, President, I rise today to introduce the Enforcing Orders and Reducing Circumvention and Evasion Act, or the ENFORCE Act, of 2011.

For almost a century, Democratic and Republican Administrations have promoted and protected America's anti-dumping and countervailing duty laws. These laws recognize the reality that foreign competitors don't always play by the rules. Some employ unfair and unscrupulous trade practices that put American businesses at a serious disadvantage. So, when it comes to ensuring that American businesses and workers have a level playing field to compete, anti-dumping and countervailing duty laws are the first line of defense.

But it is not enough to just pass these laws; they need to be enforced. Duties don't work unless they are assessed and collected. But just like some people cheat their way out of taxes, the same is true for foreign supplies and dishonest importers who evade and flout the anti-dumping and countervailing duties that protect American business and workers from grievous economic harm.

These suppliers and importers are what I call trade cheats.

You see, under U.S. trade laws, when a certain import is found to be unfairly traded, that is, it benefits from government subsidies or is sold below market prices, the U.S. Department of Commerce imposes additional duties on these imports. These duties, we call them anti-dumping and countervailing duties, or AD/CVD, ensure that American producers are only asked to compete on a playing field that is level.

But we have these trade cheats out there. They cheat American taxpayers out of the revenue that is supposed to be collected on imports, and which is needed to reduce the budget deficit, and they cheat American producers out of business that may otherwise be

theirs. In short, the trade cheats steal American jobs and America's treasure.

The trade cheats are increasingly, and brazenly, employing a variety of schemes to evade AD/CVD orders. Sometimes, they hustle their merchandise through foreign ports to claim that it originates from somewhere it doesn't. Other times, the trade cheats will provide fraudulent information to government authorities at American ports of entry, or they engage in schemes to mislabel and misrepresent imports.

In recognizing this problem, I convened a hearing in the subcommittee on international trade, customs and global competitiveness entitled "Enforcing America's Trade Laws in the Face of Customs Fraud and Duty Evasion" in May of this year. At this hearing we heard from Senators of both political parties and companies from across this nation about their concerns regarding this lack of enforcement. Others launched their own investigation into the matter.

My own staff on the Finance Subcommittee on Trade, Customs and Competitiveness learned that if often takes Customs and Border Protection, CBP, nearly a year to ask its sister agencies for investigatory help when it is needed and when CBP does refer a case to an outside agency they don't follow-up to ensure that it gets handled. It generally takes several years for the government to conclude an investigation into evasion and reassess the appropriate duties that should have been collected.

Customs and Border Protection, is the nation's frontline defense against unfair trade and is responsible for enforcing U.S. trade remedy laws and collecting AD/CV duties. Yet, if you listen to the concerns of domestic producers, like those who testified at my hearing, timely and effective enforcement of AD/CVD orders remains problematic and AD/CV duty evasion continues, seemingly unabated.

While Immigration and Customs Enforcement, or ICE, and CBP are dragging their feet to enforce our trade laws, this country's domestic manufacturers are being hammered by foreign trade cheats. It is not like the cheaters wait around to get caught and pay their fines, they disappear long before the so called government watchdogs arrive. ICE and CBP are the two principal American government agencies that are supposed to police this beat. In my view, one of them, CBP, treats allegations of duty evasion like junk mail. The other, Immigration and Customs Enforcement, has been more visible on the issue of alleged illegal movie downloads than taking steps to protect tens of thousands of manufacturing jobs that are threatened by unfair trade.

Such lollygagging is not only hurting our domestic producer, it is hurting our country's treasury. U.S. industry sources estimate that approximately

\$91 million in AD/CV duties that were supposed to be applied to just four steel products went uncollected as a result of evasion in 2009. This is an amount equal to 30 percent of all AD/CV duties CBP collected that year. With 300 current AD/CVD orders in place on countless products from over 40 countries, the potential for AD/CV duty evasion is vast, and hundreds of millions of AD/CV duties may be unaccounted for. Every penny counts and we have an obligation to the American businesses, and the workers they rely on, to do a better job.

The bill I am introducing today, with Senators SNOWE, MCCASKILL, BLUNT, BROWN from Ohio, PORTMAN, and SCHUMER, will go a long way toward empowering the federal government to do a better job to combat the trade cheats and enforce U.S. trade laws. I would like to highlight just a few of the main provisions.

First, the ENFORCE Act would formalize a process by which allegations of evasion are acted on. Because CBP primarily relies on the private sector to identify evasion of AD/CVD, the ENFORCE Act would formalize that process by allowing stakeholders to file a petition alleging evasion and require CBP to initiate an investigation pursuant to the petition within 10 days.

Second, our bill would establish a rapid-response timeline by which CBP would investigate allegations of evasion. The ENFORCE Act would give the CBP 90 days, after an investigation of evasion begins, to make a preliminary determination into whether there is a reason to believe an importer is evading an AD/CVD order. So if an affirmative preliminary determination is made, AD/CV duties would be required to be collected in cash until the investigation is concluded and any entries of subject merchandise would not be liquidated by CBP in order to ensure that the correct amount of duties owed can be collected. CBP would also be required to make a final determination as to whether merchandise subject to an investigation under the bill entered into the U.S. through an evasion scheme within 120 days after CBP has issued a preliminary determination. Flexibilities are added to these timelines for cases that are complex. All of this would put an end to the lollygagging that our domestic producers would desperately like to see ended.

Third, the ENFORCE Act would help facilitate information sharing. Our bill would establish clear instruction and guidelines to promote appropriate information sharing among the various agencies to better combat evasion and protect consumers from unsafe goods. Everyone knows that the more information law enforcement agencies have, the better they are able to do their jobs.

Last and certainly not least, our bill would establish accountability. CBP's broad mandate to facilitate trade, enforce trade remedy laws, and protect

national security often leads to inconsistent efforts to combat evasion of the trade remedy laws. The ENFORCE Act would require CBP to provide annual reports to us here in Congress about the effectiveness of its enforcement efforts and the job it is required to do to protect American producers from the harm of unfairly traded imports.

As you can see, this bill presents a common-sense strategy to combat trade cheating and the evasion of antidumping and countervailing duty collection. Enforcing U.S. trade laws and combating unfair trade practices must be a central pillar of an economic and trade policy that is designed to promote economic growth and job expansion, especially as we continue to recover from a recession.

I want to take a moment to recognize and thank some terrific colleagues of mine in the Senate that are joining me in introducing this legislation. I thank you, and your staff, for your help and for your efforts. I would also like to thank the Retail Industry Leaders Association, the Committee to Support U.S. Trade Laws, and the Coalition to Enforce Antidumping & Countervailing Duty Orders for their valuable input. I look forward to more of their input going forward.

I look forward to working with my colleagues in the Senate and with my friends in the House of Representatives to build support for this initiative and to take action on behalf of American producers.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1133

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Enforcing Orders and Reducing Customs Evasion Act of 2011”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PROCEDURES

Sec. 101. Procedures for investigating claims of evasion of antidumping and countervailing duty orders.

Sec. 102. Application to Canada and Mexico.

TITLE II—OTHER MATTERS

Sec. 201. Definitions.

Sec. 202. Allocation of U.S. Customs and Border Protection personnel.

Sec. 203. Regulations.

Sec. 204. Annual report on prevention of evasion of antidumping and countervailing duty orders.

Sec. 205. Government Accountability Office report on reliquidation authority.

TITLE I—PROCEDURES

SEC. 101. PROCEDURES FOR INVESTIGATING CLAIMS OF EVASION OF ANTI-DUMPING AND COUNTERVAILING DUTY ORDERS.

(a) **IN GENERAL.**—The Tariff Act of 1930 is amended by inserting after section 516A (19 U.S.C. 1516a) the following:

“SEC. 516B. PROCEDURES FOR INVESTIGATING CLAIMS OF EVASION OF ANTI-DUMPING AND COUNTERVAILING DUTY ORDERS.

“(a) **DEFINITIONS.**—In this section:

“(1) **ADMINISTERING AUTHORITY.**—The term ‘administering authority’ has the meaning given that term in section 771(1).

“(2) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term ‘appropriate congressional committees’ means—

“(A) the Committee on Finance and the Committee on Appropriations of the Senate; and

“(B) the Committee on Ways and Means and the Committee on Appropriations of the House of Representatives.

“(3) **COMMISSIONER.**—The term ‘Commissioner’ means the Commissioner responsible for U.S. Customs and Border Protection.

“(4) **COVERED MERCHANDISE.**—The term ‘covered merchandise’ means merchandise that is subject to—

“(A) an antidumping duty order issued under section 736;

“(B) a finding issued under the Antidumping Act, 1921; or

“(C) a countervailing duty order issued under section 706.

“(5) **ENTER; ENTRY.**—The terms ‘enter’ and ‘entry’ refer to the entry, or withdrawal from warehouse for consumption, in the customs territory of the United States.

“(6) **EVAD; EVASION.**—The terms ‘evade’ and ‘evasion’ refer to entering covered merchandise into the customs territory of the United States by means of any document or electronically transmitted data or information, written or oral statement, or act that is material and false, or any omission that is material, and that results in any cash deposit or other security or any amount of applicable antidumping or countervailing duties being reduced or not being applied with respect to the merchandise.

“(7) **INTERESTED PARTY.**—The term ‘interested party’ has the meaning given that term in section 771(9).

“(b) **PROCEDURES FOR INVESTIGATING ALLEGATIONS OF EVASION.**—

“(1) **INITIATION BY PETITION OR REFERRAL.**—

“(A) **IN GENERAL.**—Not later than 10 days after the date on which the Commissioner receives a petition described in subparagraph (B) or a referral described in subparagraph (C), the Commissioner shall initiate an investigation pursuant to this paragraph if the Commissioner determines that the information provided in the petition or the referral, as the case may be, is accurate and reasonably suggests that covered merchandise has been entered into the customs territory of the United States through evasion.

“(B) **PETITION DESCRIBED.**—A petition described in this subparagraph is a petition that—

“(i) is filed with the Commissioner by any party who is an interested party with respect to covered merchandise;

“(ii) alleges that a person has entered covered merchandise into the customs territory of the United States through evasion; and

“(iii) is accompanied by information reasonably available to the petitioner supporting the allegation.

“(C) **REFERRAL DESCRIBED.**—A referral described in this subparagraph is information submitted to the Commissioner by any other Federal agency, including the Department of Commerce or the United States International Trade Commission, indicating that a person has entered covered merchandise into the customs territory of the United States through evasion.

“(2) **DEFERMINATIONS.**—

“(A) **PRELIMINARY DETERMINATION.**—

“(i) **IN GENERAL.**—Not later than 90 days after the date on which the Commissioner

initiates an investigation under paragraph (1), the Commissioner shall issue a preliminary determination, based on information available to the Commissioner at the time of the determination, with respect to whether there is a reasonable basis to believe or suspect that the covered merchandise was entered into the customs territory of the United States through evasion.

“(i) EXTENSION.—The Commissioner may extend by not more than 45 days the time period specified in clause (i) if the Commissioner determines that sufficient information to make a preliminary determination under that clause is not available within that time period or the inquiry is unusually complex.

“(B) FINAL DETERMINATION.—

“(i) IN GENERAL.—Not later than 120 days after making a preliminary determination under subparagraph (A), the Commissioner shall make a final determination, based on substantial evidence, with respect to whether covered merchandise was entered into the customs territory of the United States through evasion.

“(ii) EXTENSION.—The Commissioner may extend by not more than 60 days the time period specified in clause (i) if the Commissioner determines that sufficient information to make a final determination under that clause is not available within that time period or the inquiry is unusually complex.

“(C) OPPORTUNITY FOR COMMENT; HEARING.—Before issuing a preliminary determination under subparagraph (A) or a final determination under subparagraph (B) with respect to whether covered merchandise was entered into the customs territory of the United States through evasion, the Commissioner shall—

“(i) provide any person alleged to have entered the merchandise into the customs territory of the United States through evasion, and any person that is an interested party with respect to the merchandise, with an opportunity to be heard;

“(ii) upon request, hold a hearing with respect to whether the covered merchandise was entered into the customs territory of the United States through evasion; and

“(iii) provide an opportunity for public comment.

“(D) AUTHORITY TO COLLECT AND VERIFY ADDITIONAL INFORMATION.—In making a preliminary determination under subparagraph (A) or a final determination under subparagraph (B), the Commissioner—

“(i) shall exercise all existing authorities to collect information needed to make the determination; and

“(ii) may collect such additional information as is necessary to make the determination through such methods as the Commissioner considers appropriate, including by—

“(I) issuing a questionnaire with respect to covered merchandise to—

“(aa) a person that filed a petition under paragraph (1)(B);

“(bb) a person alleged to have entered covered merchandise into the customs territory of the United States through evasion; or

“(cc) any other person that is an interested party with respect to the covered merchandise; or

“(II) conducting verifications, including on-site verifications, of any relevant information.

“(E) ADVERSE INFERENCE.—

“(i) IN GENERAL.—If the Commissioner finds that a person that filed a petition under paragraph (1)(B), a person alleged to have entered covered merchandise into the customs territory of the United States through evasion, or a foreign producer or exporter, has failed to cooperate by not acting to the best of the person's ability to comply with a request for information, the Commis-

sioner may, in making a preliminary determination under subparagraph (A) or a final determination under subparagraph (B), use an inference that is adverse to the interests of that person in selecting from among the facts otherwise available to determine whether evasion has occurred.

“(ii) ADVERSE INFERENCE DESCRIBED.—An adverse inference used under clause (i) may include reliance on information derived from—

“(I) the petition, if any, submitted under paragraph (1)(B) with respect to the covered merchandise;

“(II) a determination by the Commissioner in another investigation under this section;

“(III) an investigation or review by the administering authority under title VII; or

“(IV) any other information placed on the record.

“(F) NOTIFICATION AND PUBLICATION.—Not later than 7 days after making a preliminary determination under subparagraph (A) or a final determination under subparagraph (B), the Commissioner shall—

“(i) provide notification of the determination to—

“(I) the administering authority; and

“(II) the person that submitted the petition under paragraph (1)(B) or the Federal agency that submitted the referral under paragraph (1)(C); and

“(ii) provide the determination for publication in the Federal Register.

“(3) BUSINESS PROPRIETARY INFORMATION.—

“(A) ESTABLISHMENT OF PROCEDURES.—For each investigation initiated under paragraph (1), the Commissioner shall establish procedures for the submission of business proprietary information under an administrative protective order that—

“(i) protects against public disclosure of such information; and

“(ii) for purposes of submitting comments to the Commissioner, provides limited access to such information for—

“(I) the person that submitted the petition under paragraph (1)(B) or the Federal agency that submitted the referral under paragraph (1)(C); and

“(II) the person alleged to have entered covered merchandise into the customs territory of the United States through evasion.

“(B) ADMINISTRATION IN ACCORDANCE WITH OTHER PROCEDURES.—The procedures established under subparagraph (A) shall be administered—

“(i) to the maximum extent practicable, in a manner similar to the manner in which the administering authority administers the administrative protective order procedures under section 777;

“(ii) in accordance with section 1905 of title 18, United States Code; and

“(iii) in a manner that is consistent with the obligations of the United States under the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 (referred to in section 101(d)(8) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(8)) (relating to customs valuation)).

“(C) DISCLOSURE OF BUSINESS PROPRIETARY INFORMATION.—The Commissioner shall, in accordance with the procedures established under subparagraph (A) and consistent with subparagraph (B), make all business proprietary information presented to, or obtained by, the Commissioner during an investigation available to the persons specified in subparagraph (A)(ii) under an administrative protective order, regardless of when such information is submitted during an investigation.

“(4) REFERRALS TO OTHER FEDERAL AGENCIES.—

“(A) AFTER PRELIMINARY DETERMINATION.—Notwithstanding section 777 and subject to

subparagraph (C), when the Commissioner makes an affirmative preliminary determination under paragraph (2)(A), the Commissioner shall, at the request of the head of another Federal agency, transmit the administrative record to the head of that agency.

“(B) AFTER FINAL DETERMINATION.—Notwithstanding section 777 and subject to subparagraph (C), when the Commissioner makes an affirmative final determination under paragraph (2)(B), the Commissioner shall, at the request of the head of another Federal agency, transmit the complete administrative record to the head of that agency.

“(C) PROTECTIVE ORDERS.—Before transmitting an administrative record to the head of another Federal agency under subparagraph (A) or (B), the Commissioner shall verify that the other agency has in effect with respect to the administrative record a protective order that provides the same or a similar level of protection for the information in the administrative record as the protective order in effect with respect to such information under this subsection.

“(c) EFFECT OF DETERMINATIONS.—

“(1) EFFECT OF AFFIRMATIVE PRELIMINARY DETERMINATION.—If the Commissioner makes a preliminary determination in accordance with subsection (b)(2)(A) that there is a reasonable basis to believe or suspect that covered merchandise was entered into the customs territory of the United States through evasion, the Commissioner shall—

“(A) suspend the liquidation of each unliquidated entry of the covered merchandise that is subject to the preliminary determination and that entered on or after the date of the initiation of the investigation under paragraph (1);

“(B) review and reassess the amount of bond or other security the importer is required to post for each entry of merchandise described in subparagraph (A);

“(C) require the posting of a cash deposit with respect to each entry of merchandise described in subparagraph (A); and

“(D) take such other measures as the Commissioner determines appropriate to ensure the collection of any duties that may be owed with respect to merchandise described in subparagraph (A) as a result of a final determination under subsection (b)(2)(B).

“(2) EFFECT OF NEGATIVE PRELIMINARY DETERMINATION.—If the Commissioner makes a preliminary determination in accordance with subsection (b)(2)(A) that there is not a reasonable basis to believe or suspect that covered merchandise was entered into the customs territory of the United States through evasion, the Commissioner shall continue the investigation and notify the administering authority pending a final determination under subsection (b)(2)(B).

“(3) EFFECT OF AFFIRMATIVE FINAL DETERMINATION.—If the Commissioner makes a final determination in accordance with subsection (b)(2)(B) that covered merchandise was entered into the customs territory of the United States through evasion, the Commissioner shall—

“(A) suspend or continue to suspend, as the case may be, the liquidation of each entry of the covered merchandise that is subject to the determination and that enters on or after the date of the determination;

“(B) notify the administering authority of the determination and request that the administering authority—

“(i) identify the applicable antidumping or countervailing duty assessment rate for the entries for which liquidation is suspended under paragraph (1)(A) or subparagraph (A) of this paragraph; or

“(ii) if no such assessment rates are available at the time, identify the applicable cash

deposit rate to be applied to the entries described in subparagraph (A), with the applicable antidumping or countervailing duty assessment rates to be provided as soon as such rates become available;

“(C) require the posting of cash deposits and assess duties on each entry of merchandise described in subparagraph (A) in accordance with the instructions received from the administering authority under paragraph (5);

“(D) review and reassess the amount of bond or other security the importer is required to post for merchandise described in subparagraph (A) to ensure the protection of revenue and compliance with the law; and

“(E) take such additional enforcement measures as the Commissioner determines appropriate, such as—

“(i) initiating proceedings under section 592 or 596;

“(ii) implementing, in consultation with the relevant Federal agencies, rule sets or modifications to rules sets for identifying, particularly through the Automated Targeting System and the Automated Commercial Environment, importers, other parties, and merchandise that may be associated with evasion;

“(iii) requiring, with respect to merchandise for which the importer has repeatedly provided incomplete or erroneous entry summary information in connection with determinations of evasion, the importer to submit entry summary documentation and to deposit estimated duties at the time of entry;

“(iv) referring the record in whole or in part to U.S. Immigration and Customs Enforcement for civil or criminal investigation; and

“(v) transmitting the administrative record to the administering authority for further appropriate proceedings.

“(4) EFFECT OF NEGATIVE FINAL DETERMINATION.—If the Commissioner makes a final determination in accordance with subsection (b)(2)(B) that covered merchandise was not entered into the customs territory of the United States through evasion, the Commissioner shall terminate the suspension of liquidation pursuant to paragraph (1)(A) and refund any cash deposits collected pursuant to paragraph (1)(C) that are in excess of the cash deposit rate that would otherwise have been applicable the merchandise.

“(5) COOPERATION OF ADMINISTERING AUTHORITY.—

“(A) IN GENERAL.—Upon receiving a notification from the Commissioner under paragraph (3)(B), the administering authority shall promptly provide to the Commissioner the applicable cash deposit rates and antidumping or countervailing duty assessment rates and any necessary liquidation instructions.

“(B) SPECIAL RULE FOR CASES IN WHICH THE PRODUCER OR EXPORTER IS UNKNOWN.—If the Commissioner and administering authority are unable to determine the producer or exporter of the merchandise with respect to which a notification is made under paragraph (3)(B), the administering authority shall identify, as the applicable cash deposit rate or antidumping or countervailing duty assessment rate, the cash deposit or duty (as the case may be) in the highest amount applicable to any producer or exporter, including the ‘all-others’ rate of the merchandise subject to an antidumping order or countervailing duty order under section 736 or 706, respectively, or a finding issued under the Antidumping Act, 1921, or any administrative review conducted under section 751.

“(d) SPECIAL RULES.—

“(1) EFFECT ON OTHER AUTHORITIES.—Neither the initiation of an investigation under subsection (b)(1) nor a preliminary determination or a final determination under sub-

section (b)(2) shall affect the authority of the Commissioner—

“(A) to pursue such other enforcement measures with respect to the evasion of antidumping or countervailing duties as the Commissioner determines necessary, including enforcement measures described in clauses (i) through (iv) of subsection (c)(3)(E); or

“(B) to assess any penalties or collect any applicable duties, taxes, and fees, including pursuant to section 592.

“(2) EFFECT OF DETERMINATIONS ON FRAUD ACTIONS.—Neither a preliminary determination nor a final determination under subsection (b)(2) shall be determinative in a proceeding under section 592.

“(3) NEGLIGENCE OR INTENT.—The Commissioner shall investigate and make a preliminary determination or a final determination under this section with respect to whether a person has entered covered merchandise into the customs territory of the United States through evasion without regard to whether the person—

“(A) intended to violate an antidumping duty order or countervailing duty order under section 736 or 706, respectively, or a finding issued under the Antidumping Act, 1921; or

“(B) exercised reasonable care with respect to avoiding a violation of such an order or finding.”

(b) TECHNICAL AMENDMENT.—Clause (ii) of section 777(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1677f(b)(1)(A)) is amended to read as follows:

“(ii) to an officer or employee of U.S. Customs and Border Protection who is directly involved in conducting an investigation regarding fraud under this title or claims of evasion under section 516B.”

(c) JUDICIAL REVIEW.—Section 516A(a)(2) of the Tariff Act of 1930 (19 U.S.C. 1516a(a)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i)(III), by striking “or” at the end;

(B) in clause (ii), by adding “or” at the end; and

(C) by inserting after clause (ii) the following:

“(iii) the date of publication in the Federal Register of a determination described in clause (ix) of subparagraph (B),”; and

(2) in subparagraph (B), by adding at the end the following new clause:

“(ix) A determination by the Commissioner responsible for U.S. Customs and Border Protection under section 516B that merchandise has been entered into the customs territory of the United States through evasion.”

(d) FINALITY OF DETERMINATIONS.—Section 514(b) of the Tariff Act of 1930 (19 U.S.C. 1514(b)) is amended by striking “section 303” and all that follows through “which are reviewable” and inserting “section 516B or title VII that are reviewable”.

SEC. 102. APPLICATION TO CANADA AND MEXICO.

Pursuant to article 1902 of the North American Free Trade Agreement and section 408 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3438), the amendments made by this title shall apply with respect to goods from Canada and Mexico.

TITLE II—OTHER MATTERS

SEC. 201. DEFINITIONS.

In this title, the terms “appropriate congressional committees”, “Commissioner”, “covered merchandise”, “enter” and “entry”, and “evade” and “evasion” have the meanings given those terms in section 516B(a) of the Tariff Act of 1930 (as added by section 101 of this Act).

SEC. 202. ALLOCATION OF U.S. CUSTOMS AND BORDER PROTECTION PERSONNEL.

(a) REASSIGNMENT AND ALLOCATION.—The Commissioner shall, to the maximum extent possible, ensure that U.S. Customs and Border Protection—

(1) employs sufficient personnel who have expertise in, and responsibility for, preventing the entry of covered merchandise into the customs territory of the United States through evasion; and

(2) on the basis of risk assessment metrics, assigns sufficient personnel with primary responsibility for preventing the entry of covered merchandise into the customs territory of the United States through evasion to the ports of entry in the United States at which the Commissioner determines potential evasion presents the most substantial threats to the revenue of the United States.

(b) COMMERCIAL ENFORCEMENT OFFICERS.—Not later than September 30, 2011, the Secretary of Homeland Security, the Commissioner, and the Assistant Secretary for U.S. Immigration and Customs Enforcement shall assess and properly allocate the resources of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement—

(1) to effectively implement the provisions of, and amendments made by, this Act; and

(2) to improve efforts to investigate and combat evasion.

SEC. 203. REGULATIONS.

(a) IN GENERAL.—Not later than 240 days after the date of the enactment of this Act, the Commissioner shall issue regulations to carry out this title and the amendments made by title I.

(b) COOPERATION BETWEEN U.S. CUSTOMS AND BORDER PROTECTION, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, AND DEPARTMENT OF COMMERCE.—Not later than 240 days after the date of the enactment of this Act, the Commissioner, the Assistant Secretary for U.S. Immigration and Customs Enforcement, and the Secretary of Commerce shall establish procedures to ensure maximum cooperation and communication between U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and the Department of Commerce in order to quickly, efficiently, and accurately investigate allegations of evasion under section 516B of the Tariff Act of 1930 (as added by section 101 of this Act).

SEC. 204. ANNUAL REPORT ON PREVENTION OF EVASION OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.

(a) IN GENERAL.—Not later than February 28 of each year, beginning in 2012, the Commissioner, in consultation with the Secretary of Commerce, shall submit to the appropriate congressional committees a report on the efforts being taken pursuant to section 516B of the Tariff Act of 1930 (as added by section 101 of this Act) to prevent the entry of covered merchandise into the customs territory of the United States through evasion.

(b) CONTENTS.—Each report required under subsection (a) shall include—

(1) for the fiscal year preceding the submission of the report—

(A) the number and a brief description of petitions and referrals received pursuant to section 516B(b)(1) of the Tariff Act of 1930 (as added by section 101 of this Act);

(B) the results of the investigations initiated under such section, including any related enforcement actions, and the amount of antidumping and countervailing duties collected as a result of those investigations; and

(C) to the extent appropriate, a summary of the efforts of U.S. Customs and Border Protection, other than efforts initiated pursuant section 516B of the Tariff Act of 1930

(as added by section 101 of this Act), to prevent the entry of covered merchandise into the customs territory of the United States through evasion; and

(2) for the 3 fiscal years preceding the submission of the report, an estimate of—

(A) the amount of covered merchandise that entered the customs territory of the United States through evasion; and

(B) the amount of duties that could not be collected on such merchandise because the Commissioner did not have the authority to reliquidate the entries of such merchandise.

SEC. 205. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON RELIQUIDATION AUTHORITY.

Not later than 60 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees, and make available to the public, a report estimating the amount of duties that could not be collected on covered merchandise that entered the customs territory of the United States through evasion during fiscal years 2009 and 2010 because the Commissioner did not have the authority to reliquidate the entries of such merchandise.

By Mr. MCCONNELL (for himself and Mr. PAUL):

S. 1135. A bill to provide for the reenrichment of certain depleted uranium owned by the Department of Energy, and for the sale or barter of the resulting reenriched uranium, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1135

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Energy and Revenue Enrichment Act of 2011”.

SEC. 2. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—The term “Department” means the Department of Energy.

(2) ENRICHMENT PLANT.—The term “enrichment plant” means a uranium enrichment plant owned by the Department of Energy with respect to which the Nuclear Regulatory Commission has made a determination of compliance under section 1701(b)(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2297f(b)(2)).

(3) QUALIFIED OPERATOR.—The term “qualified operator” means a company that has experience in operating an enrichment plant under Nuclear Regulatory Commission authorization and has the ability and workforce to enrich the depleted uranium that is owned by the Department of Energy.

(4) REENRICHMENT.—The term “reenrichment” means increasing the weight percent of U-235 in uranium in order to make the uranium usable.

(5) SECRETARY.—The term “Secretary” means the Secretary of Energy.

SEC. 3. REENRICHMENT CONTRACT.

(a) IN GENERAL.—

(1) REQUIREMENT.—The Secretary shall enter into a contract with a qualified operator for a 24 month pilot program for the reenrichment at an enrichment plant of the depleted uranium described in section 2(3) that the Secretary finds economically viable. The Secretary shall seek to maximize the finan-

cial return to the Federal Government in negotiating the terms of such contract.

(2) AMOUNT OF ENRICHMENT.—The Secretary shall, during each year of the pilot program under this subsection, conduct uranium reenrichment under such program in an amount (measured in separative work units) equal to approximately 25 percent of the aggregate uranium enrichment conducted in the United States during calendar year 2010.

(3) ECONOMIC VIABILITY.—For purposes of paragraph (1), uranium shall be considered economically viable if the cost to the United States of the reenrichment thereof, including the costs of the contract entered into under paragraph (1), are less than the revenue anticipated from the sale of the reenriched uranium.

(b) COMMENCEMENT OF REENRICHMENT ACTIVITIES.—Reenrichment activities under the contract entered into under subsection (a) shall commence as soon as possible, but no later than June 1, 2012.

(c) SALE OF REENRICHED URANIUM.—The Secretary may from time to time sell the reenriched uranium generated pursuant to the contract entered into under subsection (a).

(d) ALLOCATION AND USE OF PROCEEDS.—Any funds received by the Secretary from the sale of reenriched uranium generated pursuant to the contract entered into under subsection (a) shall be allocated as follows:

(1) First, such funds shall be available to the Secretary, without further appropriation and without fiscal year limitation, to carry out this section, including amounts required to be paid under the contract entered into under subsection (a).

(2) Any amounts not required for the purposes described in paragraph (1) shall be transferred to the Uranium Enrichment Decontamination and Decommissioning Fund established in section 1801 of the Atomic Energy Act of 1954 (42 U.S.C. 2297g), to be available for use, without further appropriation and without fiscal year limitation.

SEC. 4. DEPLETED URANIUM.

(a) TITLE AND RESPONSIBILITY FOR DISPOSITION.—The Secretary shall assume title to, and responsibility for the disposition of, all depleted uranium generated pursuant to the contract entered into under section 3(a).

(b) FUNDING FOR REENRICHMENT.—To provide funding for payments under the contract entered into under section 3(a), the Secretary may—

(1) assume title to, and responsibility for the disposition of, depleted uranium in addition to the depleted uranium specified in subsection (a); and

(2) transfer to the qualified operator title to uranium generated as a result of the reenrichment pursuant to the contract entered into under section 3(a).

SEC. 5. LIMITATION ON FEDERAL URANIUM SALES.

(a) INITIAL PERIOD.—Notwithstanding section 3112(d) of the USEC Privatization Act (42 U.S.C. 2297h—10(d)), during the 24 month pilot program and the subsequent 24 months after that program is complete, the Secretary may not during any calendar year sell an amount of uranium that exceeds 15 percent of the United States’ domestic uranium supply for that year.

(b) SUBSEQUENT PERIOD.—After the expiration of the 48 month period described in subsection (a), the Secretary may not during any calendar year sell an amount of uranium that exceeds 10 percent of the United States’ domestic uranium supply for that year, except to the extent that the Secretary determines that such sales will have no significant effect on uranium markets.

By Mr. ROCKEFELLER:

S. 1140. A bill to provide for restoration of the coastal areas of the Gulf of

Mexico affected by the Deepwater Horizon oil spill, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. ROCKEFELLER. Mr. President, I rise today to reintroduce legislation previously sponsored by a Member of the Commerce Science and Transportation Committee in the 111th Congress that would direct funds from the administrative, civil, and criminal penalties stemming from the Deepwater Horizon oil spill to fund coastal and marine restoration, research and education, as well as promote tourism and economic development in the coastal Gulf states. The bill that I introduce today, the Gulf Coast Restoration Act, is identical to the bill by the same name introduced in the 111th Congress and referred to the Commerce, Science, and Transportation Committee.

To remind my colleagues, under Senate Rule XXV(f), the Commerce Committee possesses broad jurisdiction, including over “Coast Guard . . . coastal zone management . . . interstate commerce . . . marine and ocean navigation, safety and transportation, including navigational aspects of deepwater ports . . . marine fisheries . . . merchant marine and navigation . . . oceans . . . regulation of consumer products and services including testing related to toxic substances . . . science, engineering, and technology research and development and policy . . . transportation, and the transportation and commerce aspects of Outer Continental Shelf Lands.” As Chairman of the Committee I am well aware that individual Members of my Committee have strong views on all of these issues.

In the coming weeks, the Commerce Committee will be reviewing and considering a legislative package in a renewed effort to respond the Gulf oil spill. My introduction of the bill today is intended to clearly establish that the Commerce Committee continues to hold strong views about how to direct funding from the assessed penalties back to restoring the Gulf economy and environment. It is also intended to assert the Commerce Committee will conduct its oversight over the promotion of commerce, as well as over ocean and coastal programs, and reserve its rights to review and consider the authorization of programs needed to support the economic recovery of the Gulf, and the long term restoration of Gulf ecosystems. Finally, introduction of this bill is intended to provide Commerce Committee Members with the opportunity to ensure that needed baseline science is put in place, along with emergency response technology and programs, to support improved offshore energy decisions in the future. I look forward to revising this bill following introduction to reflect the views of the Committee.

By Mr. AKAKA (for himself, Mr. INOUE, and Mr. MENENDEZ):

S. 1141. A bill to exempt children of certain Filipino World War II veterans

from the numerical limitations on immigrant visas and for other purposes; to the Committee on the Judiciary.

Mr. AKAKA. Mr. President, I rise today to speak about legislation that would remove the obstacles preventing Filipino veterans of World War II from being united with their children, a situation whose roots reach back almost eight decades.

The Philippine Independence Act of 1934 established the Philippines, a U.S. possession since 1898, as a commonwealth with certain powers over its internal affairs but with sovereign power retained by the United States. The Act also established a ten-year timetable for the commonwealth to achieve independence from the United States.

In early 1941, in the face of Japan's military aggression in Asia, President Franklin D. Roosevelt invoked his authority, based on the retention of U.S. sovereign power over the Philippines to "call and order into the service of the Armed Forces of the United States all of the organized military forces of the Government of the Commonwealth of the Philippines."

In January of 1942, a month after it attacked Pearl Harbor, Japan invaded the Philippines and occupied the commonwealth until August 1945.

Two months later, in March of 1942, Congress and President Roosevelt enacted the Second War Powers Act, which included the Nationality Act of 1940 that authorized the naturalization of all aliens serving in the U.S. armed forces.

The 200,000 Filipinos that served in the U.S. armed forces were critical to the Philippine resistance and to the island's liberation in August 1945. Approximately 7,000 Filipinos who served outside the Philippines were naturalized pursuant to the Nationality Act of 1940 while another 4,000 who served inside the Philippines were naturalized between the liberation of the Philippines in August 1945 and the expiration of the Act on December 31, 1946.

In 1990, my distinguished colleague Senator DANIEL K. INOUE was instrumental in enacting the Immigration Act of 1990. This law offered Filipino veterans who had not been naturalized pursuant to the Nationality Act of 1940, the opportunity to obtain U.S. citizenship.

Of the Filipino veterans who were naturalized for their service in the U.S. armed forces, many chose to become U.S. residents. Because the offer of naturalization did not extend to their children, these men filed permanent resident status petitions for their children who remained in the Philippines. Sadly, those children, now adults, have languished on the visa waiting list for decades because of backlogs and visa limits.

My bill, the Filipino Veterans Family Reunification Act of 2011, would exempt the children in question from the numerical limitation on visas. Family unification has been the centerpiece of U.S. Immigration policy for more than

a half century, and my bill would reunite the Filipino veterans, now in their 80s and 90s, with their children at long last.

The Filipino veterans and their children have been kept apart for far too long, and I urge my colleagues to join me in making their long-awaited reunion possible.

By Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, and Mr. DURBIN):

S.J. Res. 17. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; to the Committee on Finance.

Mr. MCCONNELL. Mr. President, today, I rise along with my colleagues, Senators FEINSTEIN, MCCAIN and DURBIN, to introduce renewal of sanctions against the military junta in Burma.

The casual observer could be excused for thinking that things have changed for the better in Burma over the past year. After all, elections were held last fall, a "new" regime took office earlier this year, Aung San Suu Kyi was freed and the lead Burmese general Than Shwe seemed to retire from political life. However, in Burma as is so often the case, things are not what they seem. And that is certainly the case here.

First, the elections that were held in November took place without the benefit of international election monitors. All reputable observers termed the elections not to be free or fair. This was in large part because the National League for Democracy, NLD, Suu Kyi's party and the overwhelming winner of the last free elections in the country in 1990, was effectively banned by the junta and could not participate in the election. There were restrictions placed on how other political parties could form and campaign. No criticism of the junta could be voiced. And the results were unsurprising: the regime's handpicked candidates won big and the democratic opposition was largely sidelined.

Second, the new regime is essentially the junta with only the thinnest democratic veneer pulled over it. The Constitution, which places great power in the military as it is, cannot be amended without the blessing of the armed forces. Those in parliament are limited in how they can criticize the regime. Moreover, sitting atop these new institutions is rumored to be a shadowy panel known as the State Supreme Council, which is nowhere mentioned in the Constitution, and which is led by, you guessed it, the military.

The only legitimately good news of late was the freeing of Suu Kyi. I was fortunate enough to be able to speak with her for the first time earlier this year. Yet, the extent of her freedom remains open to question. She was, of course, freed only following the sham election. She and her party have also been publicly threatened by the regime; thus, the extent to which she can

move about the country or travel overseas remains unclear. Further, more than 2,000 other political prisoners remain behind bars in Burma; they are no better off than before. Neither are the hundreds of thousands of refugees and displaced persons who are without a home due to the repressive policies of the junta.

Finally, it is worth noting that there are growing national security factors that cause one to be even more reluctant than ever to remove sanctions and reward bad behavior. The junta's increasingly close bilateral military relationship with North Korea is a source of much concern in this vein.

For all of these reasons, I believe the sanctions that are in place should remain until true democratic reform has been instituted. That is the position of Suu Kyi herself and of the NLD. It is also the position of the Obama administration. In a State Department letter dated April 27, the State Department states that "in the absence of meaningful reforms, the U.S. government should maintain its sanctions on Burma." As Suu Kyi herself recently stated, "[s]o far" there hasn't been "any meaningful change" since the November elections.

We should not be fooled by the transparent efforts of the regime. It is merely trying to get out from under the international cloud of sanctions, without making true changes in how it governs itself, treats its people and interacts with the rest of the world.

It is my hope that my colleagues will once again renew this bipartisan measure that in 2010 enjoyed the support of 68 Senate cosponsors and was adopted 99-1. The bill is identical to last year's in that it does the following: continues the ban on imports from Burma into the U.S., including products containing rubies and jadeite; authorizes the freezing of assets against a number of Burmese leaders; prevents the U.S. from supporting loans for Burma in international financial institutions; prohibits the issuance of visas to junta officials; and limits the use of correspondent accounts that may facilitate services for the regime's leaders. These measures would remain in place until the regime undertakes meaningful steps toward democratization and reconciliation.

Mr. President, I ask unanimous consent that the text of the joint resolution and a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 17

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress approves the renewal of the import restrictions contained in section 3(a)(1) and section 3A(b)(1) and (c)(1) of the Burmese Freedom and Democracy Act of 2003.

U.S. DEPARTMENT OF STATE,
Washington, DC, April 22, 2011.

Hon. MITCH MCCONNELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCONNELL: Thank you for your letter of March 29 regarding sanctions and the nomination of a Special Representative and Policy Coordinator for Burma.

On April 14, President Obama nominated Derek Mitchell as the Special Representative and Policy Coordinator for Burma. Currently serving as the Defense Department's Principal Deputy Assistant Secretary for Defense for Asian and Pacific Security Affairs, Derek Mitchell has both the regional expertise and diplomatic acumen to successfully enhance our coordination of Burma policy. We will be submitting his nomination shortly for your advice and consent.

As you note, Burma's elections were neither free nor fair and the regime continues its repressive policies and human rights abuses. We agree with you and the National League for Democracy's conclusions that, in the absence of meaningful reforms, the U.S. government should maintain its sanctions on Burma. We look forward to soon having Mr. Mitchell as the Special Representative in place to coordinate multilateral sanctions as called for by Section 7 of the Tom Lantos Block JADE (Junta's Anti-Democratic Efforts) Act.

We hope this information is helpful. Please do not hesitate to contact us if we can be of further assistance on this or any other matter.

Sincerely,

JOSEPH E. MACMANUS,
Acting Assistant Secretary,
Legislative Affairs.

Mrs. FEINSTEIN. Mr. President, I rise again today with my friend and colleague from Kentucky, Senator MCCONNELL, to submit the joint resolution to renew the import ban on Burma for another year.

We are proud to be joined in this effort by two champions for democracy, human rights, and the rule of law in Burma, Senators MCCAIN and DURBIN, and we look forward to swift action by the Congress and the President on this important matter.

Congressman JOSEPH CROWLEY and Congressman PETER KING are introducing this resolution in the House and I appreciate their leadership and support.

Since we last debated the import ban on the Senate floor, we have received one bit of good news, but also, sadly, more confirmation on the urgent need to keep the pressure on the ruling military regime.

On November 13, 2010, Nobel Peace Prize laureate and leader of the democratic opposition, Aung San Suu Kyi, was released from house arrest.

While her latest detention lasted more than 7½ years, she had spent the better part of the past 20 years in prison or under house arrest.

Her release was wonderful news for those of us who have been inspired by her courage, her dedication to peace and her tireless efforts for freedom and democracy for the people of Burma.

Yet our joy was tempered by the fact that her release came just days after fraudulent and illegitimate elections for a new parliament based on a sham constitution.

The regime's intent was clear: keep the voice of the true leader of Burma silent long enough until they could solidify their grip on power using the false veneer of a democratic process.

Neither I, the people of Burma, nor the international community were fooled.

We all know that the last truly free parliamentary elections were overwhelmingly won by Suu Kyi and her National League for Democracy in 1990 but annulled by the military junta.

This new constitution was drafted in secret and without the input of the democratic opposition led by Suu Kyi and her National League for Democracy.

It set aside 25 percent of the seats in the new 440 seat House of Representatives for the military.

This would be in addition to the seats won by the "Union Solidarity and Development Party" founded by the military junta's Prime Minister Thein Sein and 22 of his fellow cabinet members who resigned from the army to form the "civilian" political party.

It barred Suu Kyi from running in the parliamentary elections.

And it forced the National League for Democracy to shut its doors because it would not kick Suu Kyi out of the party.

It should come as no surprise that the military backed party won nearly 80 percent of the seats in the new parliament.

In addition to preventing Suu Kyi and the National League for Democracy from competing in the elections, the regime ensured that no international monitors would oversee the elections and journalists would be prohibited from covering the election from inside Burma.

President Obama correctly stated that the elections "were neither free nor fair, and failed to meet any of the internationally accepted standards associated with legitimate elections."

The National League for Democracy described the elections and the formation of a new government as reducing "democratization in Burma to a parody."

Indeed, the new parliament elected Thein Sein, the last prime minister of the junta's State Peace and Development Council, as Burma's new president.

He is reported to be heavily influenced by Burma's senior military leader and former head of state, General Than Shwe.

So, the names change—the State Law and Order Restoration Council, the State Peace and Development Council, the Union Solidarity and Development Party—but the faces, and the lack of democracy, human rights, and the rule of law, remain the same.

So, while we celebrate the release of Aung San Suu Kyi, we recognize that Burma is not yet free and the regime has failed to take the necessary actions which allow for the import ban to be lifted.

As called for in the original Burmese Freedom and Democracy Act, we must stand by the people of Burma and keep the pressure on the military regime to end violations of internationally recognized human rights; release all political prisoners; allow freedom of speech and press; allow freedom of association; permit the peaceful exercise of religion; and bring to a conclusion an agreement between the military regime and the National League for Democracy and Burma's ethnic minorities on the restoration of a democratic government.

Until the regime changes its behavior and embraces positive, democratic change, we have no choice but to press on with the import ban as a part of a strong sanctions regime.

This also includes tough banking sanctions.

I would like to take this opportunity to once again urge the administration to put additional pressure on the ruling military junta by exercising the authority for additional banking sanctions on its leaders and followers as mandated by section 5 of the Tom Lantos Block Burmese Junta's Anti-Democratic Efforts Act.

Some of my colleagues may be concerned about the effectiveness of the import ban and other sanctions on Burma and the impact on the people of Burma.

I understand their concerns. I am disappointed that we have not seen more progress towards freedom and democracy in Burma.

But let us listen to the voice of the democratic opposition in Burma about the sanctions policy of the United States and the international community.

A paper released by Aung San Suu Kyi and the National League for Democracy argues that these sanctions are not targeted at the general population and are not to blame for the economic ills of the country.

Rather, the economy suffers due to mismanagement, cronyism, corruption and the lack of the rule of law.

The best way for the Burmese government to get the sanctions lifted, the paper argues, is to make progress on democracy, human rights, and the rule of law.

It concludes:

Now more than ever there is an urgent need to call for an all inclusive political process. The participation of a broad spectrum of political forces is essential to the achievement of national reconciliation in Burma. Progress in the democratization process, firmly grounded in national reconciliation, and the release of political prisoners should be central to any consideration of changes in sanctions policies.

I agree.

So, let us once again do our part and stand in solidarity with Aung San Suu Kyi and the people of Burma.

I urge my colleagues to support this important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 200—RECOGNIZING THE SIGNIFICANCE OF THE DESIGNATION OF THE MONTH OF MAY AS ASIAN/PACIFIC AMERICAN HERITAGE MONTH

Mr. AKAKA (for himself, Mr. INOUE, Mrs. MURRAY, Mrs. FEINSTEIN, and Mr. REID of Nevada) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 200

Whereas each May, the people of the United States join together to pay tribute to the contributions of the generations of Asian-Americans and Pacific Islanders who have enriched the history of the United States;

Whereas the history of Asian-Americans and Pacific Islanders in the United States is inextricably tied to the history of the United States;

Whereas as of 2011, according to the United States Census Bureau, the Asian-American and Pacific Islander community is 1 of the fastest growing and most diverse populations in the United States and is comprised of more than 45 distinct ethnicities and more than 28 language groups;

Whereas the 2010 United States Census estimates that there are—

(1) 17,300,000 United States residents who identify themselves as Asian alone or in combination with 1 or more other races; and

(2) 1,200,000 United States residents who identify themselves as Native Hawaiian and other Pacific Islander alone or in combination with 1 or more other races;

Whereas the United States Census Bureau projects that by the year 2050—

(1) there will be 40,600,000 United States residents identifying themselves as Asian alone or in combination with 1 or more other races, comprising 9 percent of the total population of the United States; and

(2) there will be 2,600,000 United States residents identifying themselves as Native Hawaiian and other Pacific Islander alone or as Native Hawaiian and other Pacific Islander in combination with 1 or more other races, comprising 0.6 percent of the total population of the United States;

Whereas the month of May was selected for Asian/Pacific American Heritage Month due to the facts that on May 7, 1843, the first Japanese immigrants arrived in the United States, and on May 10, 1869, the first transcontinental railroad was completed, with substantial contributions from Chinese immigrants;

Whereas Asian-Americans and Pacific Islanders have faced injustices throughout the history of the United States, including the Act of May 5, 1892 (27 Stat. 25, chapter 60) (commonly known as the “Geary Act” or the “Chinese Exclusion Act”), the internment of Japanese-Americans during World War II, unpunished hate crimes, such as the murder of Vincent Chin, and other events;

Whereas section 102 of title 36, United States Code, officially designates May as Asian/Pacific American Heritage Month and requests the President to issue an annual proclamation calling on the people of the United States to observe the month with appropriate programs, ceremonies, and activities;

Whereas Asian-Americans and Pacific Islanders, such as Yuri Kochiyama, a civil rights activist, Herbert Pililaau, recipient of the Medal of Honor, Dalip Singh Saund, the first Asian-American Congressman, Patsy T.

Mink, the first Asian-American Congresswoman, and Norman Y. Mineta, the first Asian-American member of a presidential cabinet, have made significant strides in the political and military realms;

Whereas the Presidential Cabinet of the Obama Administration includes a record 3 Asian-Americans, including Secretary of Energy Steven Chu, Secretary of Commerce Gary Locke, and Secretary of Veterans Affairs Eric Shinseki;

Whereas in 2011, the Congressional Asian Pacific American Caucus, a bicameral caucus of Members of Congress advocating on behalf of Asian-Americans and Pacific Islanders, includes 30 Members of Congress;

Whereas Asian-Americans and Pacific Islanders have made history by assuming office in a number of new and historically significant positions, including Nikki Haley, the first Asian-American and first female Governor of the State of South Carolina, Edwin M. Lee, the first Asian-American Mayor of San Francisco, California, and Jean Quan, the first Asian-American and first woman to serve as Mayor of Oakland, California;

Whereas as of the date of approval of this resolution, Asian-American and Pacific Islander leaders are serving in State legislatures across the United States in record numbers, including in the States of Alaska, Arizona, California, Connecticut, Georgia, Hawaii, Idaho, Iowa, Maryland, New Jersey, New York, Ohio, Pennsylvania, Texas, Virginia, Utah, and Washington;

Whereas Asian-Americans and Pacific Islanders have risen to some of the highest staff levels in the Obama Administration, including Pete Rouse, who is the first Asian-American to serve as White House Chief of Staff, Tina Tohen, Chief of Staff to First Lady Michelle Obama, Chris Lu, White House Cabinet Secretary, Neal Katyal, Acting Solicitor General of the United States, Rajiv Shah, Administrator of the United States Agency for International Development, L. Tammy Duckworth, Assistant Secretary for Public and Intergovernmental Affairs of the Department of Veterans Affairs, Anthony M. Babauta, Assistant Secretary for Insular Areas of the Department of Interior, and many others;

Whereas the commitment of the United States to judicial diversity has been demonstrated through the nomination of high caliber Asian-Americans and other minority jurists at all levels of the Federal bench;

Whereas significant outreach efforts to the Asian-American and Pacific Islander community have been made through the reestablishment of the White House Initiative on Asian-Americans and Pacific Islanders to coordinate multiagency efforts to ensure more accurate data collection and access to services for the community;

Whereas even with the exceptional milestones achieved by the Asian-American and Pacific Islander community, there remains much to be done to ensure that linguistically and culturally isolated Asian-Americans and Pacific Islanders have access to resources, a voice in the Federal Government, and continue to advance in the political landscape of the United States; and

Whereas celebrating Asian/Pacific American Heritage Month provides the people of the United States with an opportunity to recognize the achievements, contributions, and history of Asian-Americans and Pacific Islanders and to appreciate the challenges faced by Asian-Americans and Pacific Islanders: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the significance of the designation of the month of May as Asian/Pacific American Heritage Month;

(2) encourages the celebration during Asian/Pacific American Heritage Month of the significant contributions Asian-Americans and Pacific Islanders have made to the United States; and

(3) recognizes that the Asian-American and Pacific Islander community strengthens and enhances the rich diversity of the United States.

SENATE RESOLUTION 201—EXPRESSING THE REGRET OF THE SENATE FOR THE PASSAGE OF DISCRIMINATORY LAWS AGAINST THE CHINESE IN AMERICA, INCLUDING THE CHINESE EXCLUSION ACT

Mr. BROWN of Massachusetts (for himself, Mrs. FEINSTEIN, Mr. HATCH, Mrs. MURRAY, Mr. CARDIN, Mr. RUBIO, and Mr. AKAKA) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 201

Whereas many Chinese came to the United States in the 19th and 20th centuries, as did people from other countries, in search of the opportunity to create a better life for themselves and their families;

Whereas the contributions of persons of Chinese descent in the agriculture, mining, manufacturing, construction, fishing, and canning industries were critical to establishing the foundations for economic growth in the Nation, particularly in the western United States;

Whereas United States industrialists recruited thousands of Chinese workers to assist in the construction of the Nation's first major national transportation infrastructure, the Transcontinental Railroad;

Whereas Chinese laborers, who made up the majority of the western portion of the railroad workforce, faced grueling hours and extremely harsh conditions in order to lay hundreds of miles of track and were paid substandard wages;

Whereas without the tremendous efforts and technical contributions of these Chinese immigrants, the completion of this vital national infrastructure would have been seriously impeded;

Whereas from the middle of the 19th century through the early 20th century, Chinese immigrants faced racial ostracism and violent assaults, including—

(1) the 1887 Snake River Massacre in Oregon, at which 31 Chinese miners were killed; and

(2) numerous other incidents, including attacks on Chinese immigrants in Rock Springs, San Francisco, Tacoma, and Los Angeles;

Whereas the United States instigated the negotiation of the Burlingame Treaty, ratified by the Senate on October 19, 1868, which permitted the free movement of the Chinese people to, from, and within the United States and accorded to China the status of “most favored nation”;

Whereas before consenting to the ratification of the Burlingame Treaty, the Senate required that the Treaty would not permit Chinese immigrants in the United States to be naturalized United States citizens;

Whereas on July 14, 1870, Congress approved An Act to Amend the Naturalization Laws and to Punish Crimes against the Same, and for other Purposes, and during consideration of such Act, the Senate expressly rejected an amendment to allow Chinese immigrants to naturalize;

Whereas Chinese immigrants were subject to the overzealous implementation of the Page Act of 1875 (18 Stat. 477), which—

(1) ostensibly barred the importation of women from "China, Japan, or any Oriental country" for purposes of prostitution;

(2) was disproportionately enforced against Chinese women, effectively preventing the formation of Chinese families in the United States and limiting the number of native-born Chinese citizens;

Whereas, on February 15, 1879, the Senate passed "the Fifteen Passenger Bill," which would have limited the number of Chinese passengers permitted on any ship coming to the United States to 15, with proponents of the bill expressing that the Chinese were "an indigestible element in our midst . . . without any adaptability to become citizens";

Whereas, on March 1, 1879, President Hayes vetoed the Fifteen Passenger Bill as being incompatible with the Burlingame Treaty, which declared that "Chinese subjects visiting or residing in the United States, shall enjoy the same privileges . . . in respect to travel or residence, as may there be enjoyed by the citizens and subjects of the most favored nation";

Whereas in the aftermath of the veto of the Fifteen Passenger Bill, President Hayes initiated the renegotiation of the Burlingame Treaty, requesting that the Chinese government consent to restrictions on the immigration of Chinese persons to the United States;

Whereas these negotiations culminated in the Angell Treaty, ratified by the Senate on May 9, 1881, which—

(1) allowed the United States to suspend, but not to prohibit, the immigration of Chinese laborers;

(2) declared that "Chinese laborers who are now in the United States shall be allowed to go and come of their own free will"; and

(3) reaffirmed that Chinese persons possessed "all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation";

Whereas, on March 9, 1882, the Senate passed the first Chinese Exclusion Act, which purported to implement the Angell Treaty but instead excluded for 20 years both skilled and unskilled Chinese laborers, rejected an amendment that would have permitted the naturalization of Chinese persons, and instead expressly denied Chinese persons the right to be naturalized as American citizens;

Whereas, on April 4, 1882, President Chester A. Arthur vetoed the first Chinese Exclusion Act as being incompatible with the terms and spirit of the Angell Treaty;

Whereas, on May 6, 1882, Congress passed the second Chinese Exclusion Act, which—

(1) prohibited skilled and unskilled Chinese laborers from entering the United States for 10 years;

(2) was the first Federal law that excluded a single group of people on the basis of race; and

(3) required certain Chinese laborers already legally present in the United States who later wished to reenter to obtain "certificates of return", an unprecedented requirement that applied only to Chinese residents;

Whereas, in response to reports that courts were bestowing United States citizenship on persons of Chinese descent, the Chinese Exclusion Act of 1882 explicitly prohibited all State and Federal courts from naturalizing Chinese persons;

Whereas the Chinese Exclusion Act of 1882 underscored the belief of some Senators at that time that—

(1) the Chinese people were unfit to be naturalized;

(2) the social characteristics of the Chinese were "revolting";

(3) Chinese immigrants were "like parasites"; and

(4) the United States "is under God a country for Caucasians, a country of white men, a country to be governed by white men";

Whereas, on July 3, 1884, notwithstanding United States treaty obligations with China and other nations, Congress broadened the scope of the Chinese Exclusion Act—

(1) to apply to all persons of Chinese descent, "whether subjects of China or any other foreign power"; and

(2) to provide more stringent requirements restricting Chinese immigration;

Whereas, on October 1, 1888, the Scott Act was enacted into law, which—

(1) prohibited all Chinese laborers who would choose or had chosen to leave the United States from reentering;

(2) cancelled all previously-issued "certificates of return," which prevented approximately 20,000 Chinese laborers abroad, including 600 individuals who were en route to the United States, from returning to their families or their homes; and

(3) was later determined by the Supreme Court to have abrogated the Angell Treaty;

Whereas, on May 5, 1892, the Geary Act was enacted into law, which—

(1) extended the Chinese Exclusion Act for 10 years;

(2) required all Chinese persons in the United States, but no other race of people, to register with the Federal Government in order to obtain "certificates of residence"; and

(3) denied Chinese immigrants the right to be released on bail upon application for a writ of habeas corpus;

Whereas, on an explicitly racial basis, the Geary Act deemed the testimony of Chinese persons, including American citizens of Chinese descent, per se insufficient to establish the residency of a Chinese person subject to deportation, mandating that such residence be established through the testimony of "at least one credible white witness";

Whereas, in the 1894 Gresham-Yang Treaty, the Chinese government consented to a prohibition of Chinese immigration and the enforcement of the Geary Act in exchange for the readmission of previous Chinese residents;

Whereas in 1898, the United States—

(1) annexed Hawaii;

(2) took control of the Philippines; and

(3) excluded thousands of racially Chinese residents of Hawaii and of the Philippines from entering the United States mainland;

Whereas on April 29, 1902, Congress—

(1) indefinitely extended all laws regulating and restricting Chinese immigration and residence; and

(2) expressly applied such laws to United States insular territories, including the Philippines;

Whereas in 1904, after the Chinese government exercised its unilateral right to withdraw from the Gresham-Yang Treaty, Congress permanently extended, "without modification, limitation, or condition", all restrictions on Chinese immigration and naturalization, making the Chinese the only racial group explicitly singled out for immigration exclusion and permanently ineligible for American citizenship;

Whereas between 1910 and 1940, the Angel Island Immigration Station implemented the Chinese exclusion laws by—

(1) confining Chinese persons for up to nearly 2 years;

(2) interrogating Chinese persons; and

(3) providing a model for similar immigration stations at other locations on the Pacific coast and in Hawaii;

Whereas each of the congressional debates concerning issues of Chinese civil rights, naturalization, and immigration involved intensely racial rhetoric, with many Members of Congress claiming that all persons of Chinese descent were—

(1) unworthy of American citizenship;

(2) incapable of assimilation into American society; and

(3) dangerous to the political and social integrity of the United States;

Whereas the express discrimination in these Federal statutes politically and racially stigmatized Chinese immigration into the United States, enshrining in law the exclusion of the Chinese from the political process and the promise of American freedom;

Whereas wartime enemy forces used the anti-Chinese legislation passed in Congress as evidence of American racism against the Chinese, attempting to undermine the Chinese-American alliance and allied military efforts;

Whereas, in 1943, at the urging of President Franklin D. Roosevelt, and over 60 years after the enactment of the first discriminatory laws against Chinese immigrants, Congress—

(1) repealed previously-enacted anti-Chinese legislation; and

(2) permitted Chinese immigrants to become naturalized United States citizens;

Whereas, despite facing decades of systematic, pervasive, and sustained discrimination, Chinese immigrants and Chinese-Americans persevered and have continued to play a significant role in the growth and success of the United States;

Whereas 6 decades of Federal legislation deliberately targeting Chinese by race—

(1) restricted the capacity of generations of individuals and families to openly pursue the American dream without fear; and

(2) fostered an atmosphere of racial discrimination that deeply prejudiced the civil rights of Chinese immigrants;

Whereas diversity is one of our Nation's greatest strengths, and, while this Nation was founded on the principle that all persons are created equal, the laws enacted by Congress in the late 19th and early 20th centuries that restricted the political and civil rights of persons of Chinese descent violated that principle;

Whereas although an acknowledgment of the Senate's actions that contributed to discrimination against persons of Chinese descent will not erase the past, such an expression will acknowledge and illuminate the injustices in our national experience and help to build a better and stronger Nation;

Whereas the Senate recognizes the importance of addressing this unique framework of discriminatory laws in order to educate the public and future generations regarding the impact of these laws on Chinese and other Asian persons and their implications to all Americans; and

Whereas the Senate deeply regrets the enactment of the Chinese Exclusion Act and related discriminatory laws that—

(1) resulted in the persecution and political alienation of persons of Chinese descent;

(2) unfairly limited their civil rights;

(3) legitimized racial discrimination; and

(4) induced trauma that persists within the Chinese community; Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges that this framework of anti-Chinese legislation, including the Chinese Exclusion Act, is incompatible with the basic founding principles recognized in the Declaration of Independence that all persons are created equal;

(2) acknowledges that this pattern of anti-Chinese legislation, including the Chinese Exclusion Act, is incompatible with the spirit of the United States Constitution;

(3) deeply regrets passing 6 decades of legislation directly targeting the Chinese people for physical and political exclusion and the wrongs committed against Chinese and American citizens of Chinese descent who

suffered under these discriminatory laws; and

(4) reaffirms its commitment to preserving the same civil rights and constitutional protections for people of Chinese or other Asian descent in the United States accorded to all others, regardless of their race or ethnicity.

Mrs. FEINSTEIN. Mr. President, I rise today to join my colleague, Senator SCOTT BROWN, in submitting a resolution that expresses the regret of the U.S. Senate for the passage of discriminatory laws against Chinese immigrants. These laws are no longer in effect today. However, I believe it is important for Congress to express regret for the many injustices that were experienced by Chinese immigrants as a result of these policies, and for all of us as Americans to learn from this difficult chapter in our Nation's past.

Let me begin by offering a brief history of the Chinese Exclusion Act. In the 1870s, an economic downturn created political pressure to slow the growing population of Chinese immigrants who were coming to the United States to pursue a better way of life. In California, State laws and local ordinances were enacted that denied the Chinese basic rights and privileges such as the right to own land and the ability to access public schools.

At the urging of some California lawmakers, the U.S. Congress subsequently passed laws that further denied the rights of Chinese immigrants. The harshest of those measures was the Chinese Exclusion Act of 1882 that explicitly prohibited all State and Federal courts from naturalizing Chinese persons. This legislation was the first federal law ever enacted to exclude a group of immigrants solely on the basis of race or nationality.

The Chinese Exclusion Act was followed by the passage of the Geary Act in 1892, which extended the Chinese Exclusion Act for 10 years and required all Chinese persons in the United States to register with the Federal Government to obtain certificates of residence to prove their right to be in the U.S.

In order to fully understand this Nation's deep-rooted hostility toward the Chinese during this time period, it is important to contrast the U.S. Government's vastly different treatment of European immigrants who entered the United States through Ellis Island. European immigrants were not subjected to the same burdensome and humiliating screening requirements as the Chinese.

Most are familiar with the stories of those coming to Ellis Island and seeing the Statue of Liberty in New York Harbor. However, often forgotten are the experiences of Chinese immigrants who made it to America by way of Angel Island in California.

In 1910, the U.S. Government opened the Angel Island Immigration Station as a way to isolate Chinese immigrants from the city of San Francisco and the remainder of the bay area in northern California. These immigrants were brought to Angel Island Station where

they were separated from family members, subjected to embarrassing medical examinations and grueling interrogations, and detained for months or sometimes years.

Despite these hardships, Chinese immigrants persevered, and they continue to make invaluable contributions to the development and success of our Nation. The enactment of Chinese exclusionary laws is a shameful part of our history that must not be forgotten. It is my hope that this resolution will serve to enlighten those who may not be aware of this regrettable chapter in our Nation's history. In addition, I hope the resolution will help heal and bring some closure for those who lived through this difficult time and are still with us today.

I urge my colleagues to support this bipartisan resolution.

SENATE RESOLUTION 202—DESIGNATING JUNE 27, 2011, AS “NATIONAL POST-TRAUMATIC STRESS DISORDER AWARENESS DAY”

Mr. CONRAD (for himself, Mr. LEVIN, Mr. ROCKEFELLER, and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 202

Whereas the brave men and women of the United States Armed Forces, who proudly serve the United States, risk their lives to protect the freedom of the United States and deserve the investment of every reasonable resource to ensure their lasting physical, mental, and emotional well-being;

Whereas 2.4 percent of servicemembers returning from deployment to Operation Enduring Freedom or Operation Iraqi Freedom are clinically diagnosed with post-traumatic stress disorder (referred to in this preamble as “PTSD”) and up to 17 percent of Operation Enduring Freedom and Operation Iraqi Freedom veterans exposed to sustained ground combat report PTSD symptoms;

Whereas up to 10 percent of Operation Desert Storm veterans, 30 percent of Vietnam veterans, and 8 percent of the general population of the United States suffer or have suffered from PTSD;

Whereas the Department of Veterans Affairs reports that more than 438,000 veterans were treated for PTSD in 2010 alone;

Whereas many cases of PTSD remain unreported, undiagnosed, and untreated due to a lack of awareness about PTSD and the persistent stigma associated with mental health issues;

Whereas PTSD significantly increases the risk of depression, suicide, and drug- and alcohol-related disorders and deaths, especially if left untreated;

Whereas the Departments of Defense and Veterans Affairs have made significant advances in the prevention, diagnosis, and treatment of PTSD and the symptoms of PTSD, but many challenges remain; and

Whereas the establishment of a National Post-Traumatic Stress Disorder Awareness Day will raise public awareness about issues related to PTSD and help ensure that those suffering from the invisible wounds of war receive proper treatment: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 27, 2011, as “National Post-Traumatic Stress Disorder Awareness Day”;

(2) urges the Secretary of Veterans Affairs and the Secretary of Defense to continue working to educate servicemembers, veterans, the families of servicemembers and veterans, and the public about the causes, symptoms, and treatment of post-traumatic stress disorder; and

(3) respectfully requests that the Secretary of the Senate transmit a copy of this resolution to the Secretary of Veterans Affairs and the Secretary of Defense.

Mr. CONRAD. Mr. President, today I am introducing for the second year in a row a Senate resolution to designate June 27 as National Post-Traumatic Stress Disorder Awareness Day. That date was inspired by the birthday of North Dakota National Guard Staff Sergeant Joe Biel. Staff Sergeant Biel served two tours of duty in Iraq as a Trailblazer, part of a unit responsible for route clearance operations. Each day, Joe's mission was to go out with his unit to find and remove Improvised Explosive Devices and other dangers from heavily traveled roads to make it safe for coalition forces and Iraqi civilians to travel. As a result of those experiences, Joe suffered from PTSD and, tragically, took his own life in April 2007. There is absolutely no doubt that Joe Biel is a hero who gave his life for our country.

I learned of Joe's story because friends from his platoon, the 4th Platoon, A Company, of the North Dakota National Guard's 164th Combat Engineer Battalion, have organized an annual motorcycle ride across the state of North Dakota in his memory. The Joe Biel Memorial Ride serves as a reunion for the 164th, a memorial for a lost friend, and a beacon to those suffering from PTSD and other mental issues across the region. The key point made to me by the event's organizer, Staff Sergeant Matt Leaf, is that we have to raise awareness of this disease so that the lives of servicemembers, veterans, and other PTSD sufferers can be saved by greater awareness of and treatment for this disorder.

For many, the war does not end when the warrior comes home. All too many servicemembers and veterans face PTSD symptoms like anxiety, anger, and depression as they try to adjust to life after war. We cannot sweep these problems under the rug. PTSD is real. The Department of Defense and the Department of Veterans Affairs have made significant advances in the prevention, diagnosis, and treatment of PTSD and its symptoms, but many challenges remain. More must be done to inform and educate veterans, families and communities on the facts about this illness and the resources and treatments available.

That is why SSG Leaf and his fellow Trailblazers started the Joe Biel Memorial Bike Ride. That is why I began the effort to create a National PTSD Awareness Day last year. It is why I am introducing this Resolution once again. Actions like this may not seem that important to some, but they are. They garner attention, raise awareness, and help to eliminate the stigma

surrounding mental health issues. These efforts are about letting our troops, past and present, know it is okay to come forward and say they need help. It's a sign of strength, not weakness, to seek assistance. It is my hope that this message will be heard. In the words of SSG Leaf, "maybe if we all take a minute to listen, we can stop one more tragedy from ever happening again."

SENATE RESOLUTION 203—RECOGNIZING "NATIONAL FOSTER CARE MONTH" AS AN OPPORTUNITY TO RAISE AWARENESS ABOUT THE CHALLENGES OF CHILDREN IN THE FOSTER CARE SYSTEM, AND ENCOURAGING CONGRESS TO IMPLEMENT POLICY TO IMPROVE THE LIVES OF CHILDREN IN THE FOSTER CARE SYSTEM

Ms. LANDRIEU (for herself, Mr. GRASSLEY, Mrs. GILLIBRAND, Mr. FRANKEN, Mr. CARDIN, Mr. BEGICH, Mr. AKAKA, Mr. COCHRAN, Ms. COLLINS, Mr. LEVIN, Mr. NELSON of Nebraska, Mr. LAUTENBERG, Mrs. MURRAY, Mr. KERRY, Mr. INHOFE, Ms. SNOWE, and Mr. CASEY) submitted the following resolution; which was considered and agreed to:

S. RES. 203

Whereas "National Foster Care Month" was established more than 20 years ago to bring foster care issues to the forefront, to highlight the importance of permanency for every child, and to recognize the essential role that foster parents, social workers, and advocates have in the lives of children in foster care throughout the United States;

Whereas all children deserve a safe, loving, and permanent home;

Whereas the primary goal of the foster care system is to ensure the safety and well-being of children while working to provide a safe, loving, and permanent home for each child;

Whereas there are approximately 420,000 children living in foster care;

Whereas there are 115,000 children in foster care awaiting adoption;

Whereas 57,000 children are adopted out of foster care each year;

Whereas children of color are more likely to stay in the foster care system for longer periods of time and are less likely to be reunited with their biological families;

Whereas the number of available foster homes is declining, and there are only 2.8 foster homes for every 10 children in foster care;

Whereas children entering foster care often confront the widespread misperception that children in foster care are disruptive, unruly, and dangerous, even though placement in foster care is based on the actions of a parent or guardian, not the child;

Whereas foster care is intended to be a temporary placement, but children remain in the foster care system for an average of 2 years;

Whereas children in foster care experience an average of 3 different placements, which often leads to disruption of routines, and the need to change schools and move away from siblings, extended families, and familiar surroundings;

Whereas more than 29,000 youth "age out" of foster care without a legal permanent connection to an adult or family;

Whereas the number of youth who "age out" of foster care has steadily increased for the past decade;

Whereas children who "age out" of foster care lack the security or support of a biological or adoptive family and frequently struggle to secure affordable housing, obtain health insurance, pursue higher education, and acquire adequate employment;

Whereas on average, 8.5 percent of the positions in child protective services remain vacant;

Whereas due to heavy caseloads and limited resources, the average tenure for a worker in child protection services is just 3 years;

Whereas States, localities, and communities should be encouraged to invest resources in preventative and reunification services and post-permanency programs to ensure that more children in foster care are provided with safe, loving, and permanent placements;

Whereas the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351; 122 Stat. 3949) provides for new investments and services to improve the outcomes of children and families in the foster care system; and

Whereas much remains to be done to ensure that all children have a safe, loving, nurturing, and permanent family, regardless of age or special needs: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes "National Foster Care Month" as an opportunity to raise awareness about the challenges that children in the foster care system face;

(2) encourages Congress to implement policy to improve the lives of children in the foster care system;

(3) supports the designation of May as "National Foster Care Month";

(4) acknowledges the special needs of children in the foster care system;

(5) honors the commitment and dedication of the individuals who work tirelessly to provide assistance and services to children in the foster care system; and

(6) reaffirms the need to continue working to improve the outcomes of all children in the foster care system through title IV of the Social Security Act (42 U.S.C. 601 et seq.) and other programs designed to help children in the foster care system reunite with their biological parents or, if the children cannot be reunited with their biological parents, find permanent, safe, and loving homes.

SENATE RESOLUTION 204—DESIGNATING JUNE 7, 2011, AS "NATIONAL HUNGER AWARENESS DAY"

Mr. CASEY (for himself, Mr. BOOZMAN, Mr. DURBIN, Mr. LUGAR, Mr. MORAN, Mr. LEAHY, and Mr. BROWN of Ohio) submitted the following resolution; which was considered and agreed to:

S. RES. 204

Whereas food insecurity and hunger are a fact of life for millions of individuals in the United States and can produce physical, mental, and social impairments;

Whereas recent data published by the Department of Agriculture show that approximately 50,200,000 individuals in the United States live in households experiencing hunger or food insecurity, and of that number, 33,000,000 are adults and 17,200,000 are children;

Whereas the Department of Agriculture data also show that households with children experience nearly twice the rate of food insecurity as those households without children;

Whereas 4.8 percent of all households in the United States (approximately 5,600,000 households) have accessed emergency food from a food pantry 1 or more times;

Whereas the report entitled "Household Food Security in the United States, 2009" and published by the Economic Research Service of the Department of Agriculture found that in 2009, the most recent year for which data exist—

(1) 14.7 percent of all households in the United States experienced food insecurity at some point during the year;

(2) 21.3 percent of all households with children in the United States experienced food insecurity at some point during the year; and

(3) 7.5 percent of all households with elderly individuals in the United States experienced food insecurity at some point during the year;

Whereas the problem of hunger and food insecurity can be found in rural, suburban, and urban portions of the United States, touching nearly every community of the United States;

Whereas, although substantial progress has been made in reducing the incidence of hunger and food insecurity in the United States, many Americans remain vulnerable to hunger and the negative effects of food insecurity;

Whereas the people of the United States have a long tradition of providing food assistance to hungry individuals through acts of private generosity and public support programs;

Whereas the Federal Government provides nutritional support to millions of individuals through numerous Federal food assistance programs, including—

(1) the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.);

(2) the child nutrition program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(3) the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

(4) the emergency food assistance program established under the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.); and

(5) food donation programs;

Whereas there is a growing awareness of the important role that community-based organizations, institutions of faith, and charities play in assisting hungry and food-insecure individuals;

Whereas more than 50,000 local, community-based organizations rely on the support and efforts of more than 1,000,000 volunteers to provide food assistance and services to millions of vulnerable people; and

Whereas all people of the United States can participate in hunger relief efforts in their communities by—

(1) donating food and money to hunger relief efforts;

(2) volunteering for hunger relief efforts; and

(3) supporting public policies aimed at reducing hunger: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 7, 2011, as "National Hunger Awareness Day"; and

(2) calls on the people of the United States to observe National Hunger Awareness Day—

(A) with appropriate ceremonies, volunteer activities, and other support for local anti-hunger advocacy efforts and hunger relief charities, including food banks, food rescue organizations, food pantries, soup kitchens, and emergency shelters; and

(B) by continuing to support programs and public policies that reduce hunger and food insecurity in the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 386. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table.

SA 387. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, supra; which was ordered to lie on the table.

SA 388. Ms. KLOBUCHAR (for Mrs. MURRAY) proposed an amendment to the concurrent resolution S. Con. Res. 4, expressing the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United States.

TEXT OF AMENDMENTS

SA 386. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 3. GRANTING THE ATTORNEY GENERAL THE AUTHORITY TO DENY THE SALE, DELIVERY, OR TRANSFER OF A FIREARM OR THE ISSUANCE OF A FIREARMS OR EXPLOSIVES LICENSE OR PERMIT TO DANGEROUS TERRORISTS.

(a) STANDARD FOR EXERCISING ATTORNEY GENERAL DISCRETION REGARDING TRANSFERRING FIREARMS OR ISSUING FIREARMS PERMITS TO DANGEROUS TERRORISTS.—Chapter 44 of title 18, United States Code, is amended—

(1) by inserting after section 922 the following:

“§ 922A. Attorney General’s discretion to deny transfer of a firearm

“The Attorney General may deny the transfer of a firearm under section 922(t)(1)(B)(ii) of this title if the Attorney General—

“(1) determines that the transferee is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism; and

“(2) has a reasonable belief that the prospective transferee may use a firearm in connection with terrorism.

“§ 922B. Attorney General’s discretion regarding applicants for firearm permits which would qualify for the exemption provided under section 922(t)(3)

“The Attorney General may determine that—

“(1) an applicant for a firearm permit which would qualify for an exemption under section 922(t) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism; and

“(2) the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.”;

(2) in section 921(a), by adding at the end the following:

“(36) The term ‘terrorism’ includes international terrorism and domestic terrorism, as those terms are defined in section 2331 of this title.

“(37) The term ‘material support or resources’ has the same meaning as in section 2339A of this title.

“(38) The term ‘responsible person’ means an individual who has the power, directly or indirectly, to direct or cause the direction of the management and policies of the applicant or licensee pertaining to firearms.”; and

(3) in the table of sections, by inserting after the item relating to section 922 the following:

“922A. Attorney General’s discretion to deny transfer of a firearm.

“922B. Attorney General’s discretion regarding applicants for firearm permits which would qualify for the exemption provided under section 922(t)(3).”.

(b) EFFECT OF ATTORNEY GENERAL DISCRETIONARY DENIAL THROUGH THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM (NICS) ON FIREARMS PERMITS.—Section 922(t) of title 18, United States Code, is amended—

(1) in paragraph (1)(B)(ii), by inserting “or State law, or that the Attorney General has determined to deny the transfer of a firearm pursuant to section 922A of this title” before the semicolon;

(2) in paragraph (2), in the matter preceding subparagraph (A), by inserting “, or if the Attorney General has not determined to deny the transfer of a firearm pursuant to section 922A of this title” after “or State law”;

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) in clause (i)—

(I) in subclause (I), by striking “and” at the end; and

(II) by adding at the end the following:

“(III) was issued after a check of the system established pursuant to paragraph (1);”;

(ii) in clause (ii), by inserting “and” after the semicolon; and

(iii) by adding at the end the following:

“(iii) the State issuing the permit agrees to deny the permit application if such other person is the subject of a determination by the Attorney General pursuant to section 922B of this title;”;

(4) in paragraph (4), by inserting “, or if the Attorney General has not determined to deny the transfer of a firearm pursuant to section 922A of this title” after “or State law”; and

(5) in paragraph (5), by inserting “, or if the Attorney General has determined to deny the transfer of a firearm pursuant to section 922A of this title” after “or State law”.

(c) UNLAWFUL SALE OR DISPOSITION OF FIREARM BASED UPON ATTORNEY GENERAL DISCRETIONARY DENIAL.—Section 922(d) of title 18, United States Code, is amended—

(1) in paragraph (8), by striking “or” at the end;

(2) in paragraph (9), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(10) has been the subject of a determination by the Attorney General under section 922A, 922B, 923(d)(3), or 923(e) of this title.”.

(d) ATTORNEY GENERAL DISCRETIONARY DENIAL AS PROHIBITOR.—Section 922(g) of title 18, United States Code, is amended—

(1) in paragraph (8), by striking “or” at the end;

(2) in paragraph (9), by striking the comma at the end and inserting “; or”; and

(3) by inserting after paragraph (9) the following:

“(10) who has received actual notice of the Attorney General’s determination made

under section 922A, 922B, 923(d)(3) or 923(e) of this title.”.

(e) ATTORNEY GENERAL DISCRETIONARY DENIAL OF FEDERAL FIREARMS LICENSES.—Section 923(d) of title 18, United States Code, is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking “Any” and inserting “Except as provided in paragraph (3), any”; and

(2) by adding at the end the following:

“(3) The Attorney General may deny a license application if the Attorney General determines that the applicant (including any responsible person) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism, and the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.”.

(f) DISCRETIONARY REVOCATION OF FEDERAL FIREARMS LICENSES.—Section 923(e) of title 18, United States Code, is amended—

(1) by inserting “(1)” after “(e)”;

(2) by striking “revoke any license” and inserting the following: “revoke—

“(A) any license”;

(3) by striking “. The Attorney General may, after notice and opportunity for hearing, revoke the license” and inserting the following: “;

“(B) the license”; and

(4) by striking “. The Secretary’s action” and inserting the following: “; or

“(C) any license issued under this section if the Attorney General determines that the holder of such license (including any responsible person) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism or providing material support or resources for terrorism, and the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.

“(2) The Attorney General’s action”.

(g) ATTORNEY GENERAL’S ABILITY TO WITHHOLD INFORMATION IN FIREARMS LICENSE DENIAL AND REVOCATION SUIT.—

(1) IN GENERAL.—Section 923(f)(1) of title 18, United States Code, is amended by inserting after the first sentence the following: “However, if the denial or revocation is pursuant to subsection (d)(3) or (e)(1)(C), any information upon which the Attorney General relied for this determination may be withheld from the petitioner, if the Attorney General determines that disclosure of the information would likely compromise national security.”.

(2) SUMMARIES.—Section 923(f)(3) of title 18, United States Code, is amended by inserting after the third sentence the following: “With respect to any information withheld from the aggrieved party under paragraph (1), the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.”.

(h) ATTORNEY GENERAL’S ABILITY TO WITHHOLD INFORMATION IN RELIEF FROM DISABILITIES LAWSUITS.—Section 925(c) of title 18, United States Code, is amended by inserting after the third sentence the following: “If the person is subject to a disability under section 922(g)(10) of this title, any information which the Attorney General relied on for this determination may be withheld from the applicant if the Attorney General determines that disclosure of the information would likely compromise national security. In responding to the petition, the United States may submit, and the court may rely

upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.”.

(i) PENALTIES.—Section 924(k) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking “or” at the end;

(2) in paragraph (3), by striking the comma at the end and inserting “; or”; and

(3) by inserting after paragraph (3) the following:

“(4) constitutes an act of terrorism, or providing material support or resources for terrorism.”.

(j) REMEDY FOR ERRONEOUS DENIAL OF FIREARM OR FIREARM PERMIT EXEMPTION.—

(1) IN GENERAL.—Section 925A of title 18, United States Code, is amended—

(A) in the section heading, by striking “**Remedy for erroneous denial of firearm**” and inserting “**Remedies**”; and

(B) by striking “Any person denied a firearm pursuant to subsection (s) or (t) of section 922” and inserting the following:

“(a) Except as provided in subsection (b), any person denied a firearm pursuant to subsection (t) of section 922 or a firearm permit pursuant to a determination made under section 922B”; and

(C) by adding at the end the following:

“(b) In any case in which the Attorney General has denied the transfer of a firearm to a prospective transferee pursuant to section 922A of this title or has made a determination regarding a firearm permit applicant pursuant to section 922B of this title, an action challenging the determination may be brought against the United States. The petition shall be filed not later than 60 days after the petitioner has received actual notice of the Attorney General’s determination under section 922A or 922B of this title. The court shall sustain the Attorney General’s determination upon a showing by the United States by a preponderance of evidence that the Attorney General’s determination satisfied the requirements of section 922A or 922B, as the case may be. To make this showing, the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security. Upon request of the petitioner or the court’s own motion, the court may review the full, undisclosed documents ex parte and in camera. The court shall determine whether the summaries or redacted versions, as the case may be, are fair and accurate representations of the underlying documents. The court shall not consider the full, undisclosed documents in deciding whether the Attorney General’s determination satisfies the requirements of section 922A or 922B.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 44 of title 18, United States Code, is amended by striking the item relating to section 925A and inserting the following:

“925A. Remedies.”.

(k) PROVISION OF GROUNDS UNDERLYING INELIGIBILITY DETERMINATION BY THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.—Section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) is amended—

(1) in subsection (f)—

(A) by inserting “or the Attorney General has made a determination regarding an applicant for a firearm permit pursuant to section 922B of title 18, United States Code,” after “is ineligible to receive a firearm”; and

(B) by inserting “except any information for which the Attorney General has deter-

mined that disclosure would likely compromise national security,” after “reasons to the individual,”; and

(2) in subsection (g)—

(A) the first sentence—

(i) by inserting “or if the Attorney General has made a determination pursuant to section 922A or 922B of title 18, United States Code,” after “or State law,”; and

(ii) by inserting “, except any information for which the Attorney General has determined that disclosure would likely compromise national security” before the period at the end; and

(B) by adding at the end the following: “Any petition for review of information withheld by the Attorney General under this subsection shall be made in accordance with section 925A of title 18, United States Code.”.

(l) UNLAWFUL DISTRIBUTION OF EXPLOSIVES BASED UPON ATTORNEY GENERAL DISCRETIONARY DENIAL.—Section 842(d) of title 18, United States Code, is amended—

(1) in paragraph (9), by striking the period and inserting “; or”; and

(2) by adding at the end the following:

“(10) has received actual notice of the Attorney General’s determination made pursuant to subsection (j) or (d)(1)(B) of section 843 of this title.”.

(m) ATTORNEY GENERAL DISCRETIONARY DENIAL AS PROHIBITOR.—Section 842(i) of title 18, United States Code, is amended—

(1) in paragraph (7), by inserting “; or” at the end; and

(2) by inserting after paragraph (7) the following:

“(8) who has received actual notice of the Attorney General’s determination made pursuant to subsection (j) or (d)(1)(B) of section 843 of this title.”.

(n) ATTORNEY GENERAL DISCRETIONARY DENIAL OF FEDERAL EXPLOSIVES LICENSES AND PERMITS.—Section 843 of title 18, United States Code, is amended—

(1) in subsection (b), by striking “Upon” and inserting “Except as provided in subsection (j), upon”; and

(2) by adding at the end the following:

“(j) The Attorney General may deny the issuance of a permit or license to an applicant if the Attorney General determines that the applicant or a responsible person or employee possessor thereof is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation of, in aid of, or related to terrorism, or providing material support or resources for terrorism, and the Attorney General has a reasonable belief that the person may use explosives in connection with terrorism.”.

(o) ATTORNEY GENERAL DISCRETIONARY REVOCATION OF FEDERAL EXPLOSIVES LICENSES AND PERMITS.—Section 843(d) of title 18, United States Code, is amended—

(1) by inserting “(1)” after “(d)”; and

(2) by striking “if in the opinion” and inserting the following: “if—
“(A) in the opinion”; and

(3) by striking “. The Secretary’s action” and inserting the following: “; or

“(B) the Attorney General determines that the licensee or holder (or any responsible person or employee possessor thereof) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism, and that the Attorney General has a reasonable belief that the person may use explosives in connection with terrorism.”.

“(2) The Attorney General’s action”.

(p) ATTORNEY GENERAL’S ABILITY TO WITHHOLD INFORMATION IN EXPLOSIVES LICENSE AND PERMIT DENIAL AND REVOCATION SUITS.—Section 843(e) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting after the first sentence the following: “However, if the denial or revocation is based upon an Attorney General determination under subsection (j) or (d)(1)(B), any information which the Attorney General relied on for this determination may be withheld from the petitioner if the Attorney General determines that disclosure of the information would likely compromise national security.”; and

(2) in paragraph (2), by adding at the end the following: “In responding to any petition for review of a denial or revocation based upon an Attorney General determination under subsection (j) or (d)(1)(B), the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.”.

(q) ABILITY TO WITHHOLD INFORMATION IN COMMUNICATIONS TO EMPLOYERS.—Section 843(h)(2) of title 18, United States Code, is amended—

(1) in subparagraph (A), by inserting “or in subsection (j) of this section (on grounds of terrorism)” after “section 842(i)”; and

(2) in subparagraph (B)—

(A) in the matter preceding clause (i), by inserting “or in subsection (j) of this section,” after “section 842(i),”; and

(B) in clause (ii), by inserting “, except that any information that the Attorney General relied on for a determination pursuant to subsection (j) may be withheld if the Attorney General concludes that disclosure of the information would likely compromise national security” after “determination”.

(r) CONFORMING AMENDMENT TO IMMIGRATION AND NATIONALITY ACT.—Section 101(a)(43)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)(E)(ii)) is amended by striking “or (5)” and inserting “(5), or (10)”.

(s) GUIDELINES.—

(1) IN GENERAL.—The Attorney General shall issue guidelines describing the circumstances under which the Attorney General will exercise the authority and make determinations under subsections (d)(1)(B) and (j) of section 843 and sections 922A and 922B of title 18, United States Code, as amended by this Act.

(2) CONTENTS.—The guidelines issued under paragraph (1) shall—

(A) provide accountability and a basis for monitoring to ensure that the intended goals for, and expected results of, the grant of authority under subsections (d)(1)(B) and (j) of section 843 and sections 922A and 922B of title 18, United States Code, as amended by this Act, are being achieved; and

(B) ensure that terrorist watch list records are used in a manner that safeguards privacy and civil liberties protections, in accordance with requirements outlined in Homeland Security Presidential Directive 11 (dated August 27, 2004).

SA 387. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 3. PROTECTIONS FOR BOOKSTORES AND LIBRARIES.

(a) EXEMPTION OF BOOKSTORES AND LIBRARIES FROM ORDERS REQUIRING THE PRODUCTION OF ANY TANGIBLE THINGS FOR CERTAIN FOREIGN INTELLIGENCE INVESTIGATIONS.—Section

501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended by adding at the end the following new subsection:

“(i) PROHIBITION ON SEARCHING FOR OR SEIZING MATERIAL FROM A BOOKSELLER OR LIBRARY.—

“(1) IN GENERAL.—No application may be made under this section with either the purpose or effect of searching for, or seizing from, a bookseller or library documentary materials that contain personally identifiable information concerning a patron of a bookseller or library.

“(2) CONSTRUCTION.—Nothing in this subsection shall be construed as precluding a physical search for documentary materials referred to in paragraph (1) under other provisions of law, including under section 303.

“(3) DEFINITIONS.—In this subsection:

“(A) BOOKSELLER.—The term ‘bookseller’ means any person or entity engaged in the sale, rental or delivery of books, journals, magazines, or other similar forms of communication in print or digitally.

“(B) DOCUMENTARY MATERIALS.—The term ‘documentary materials’ means any document, tape or other communication created by a bookseller or library in connection with print or digital dissemination of a book, journal, magazine, newspaper, or other similar form of communication, including access to the Internet.

“(C) LIBRARY.—The term ‘library’ has the meaning given that term under section 213(2) of the Library Services and Technology Act (20 U.S.C. 9122(2)) whose services include access to the Internet, books, journals, magazines, newspapers, or other similar forms of communication in print or digitally to patrons for their use, review, examination or circulation.

“(D) PATRON.—The term ‘patron’ means any purchaser, renter, borrower, user or subscriber of goods or services from a library or bookseller.

“(E) PERSONALLY IDENTIFIABLE INFORMATION.—The term ‘personally identifiable information’ includes information that identifies a person as having used, requested or obtained specific reading materials or services from a bookseller or library.”

(b) NATIONAL SECURITY LETTERS.—Section 2709(f) of title 18, United States Code, is amended to read as follows:

“(f) EXCEPTION FOR LIBRARIES AND BOOKSELLERS.—

“(1) IN GENERAL.—A library or a bookseller is not a wire or electronic communication service provider for purposes of this section, regardless of whether the library or bookseller is providing electronic communication service.

“(2) DEFINITIONS.—In this subsection:

“(A) BOOKSELLER.—The term bookseller means any person or entity engaged in the sale, rental, or delivery of books, journals, magazines, or other similar forms of communication in print or digitally.

“(B) LIBRARY.—The term library has the meaning given that term in section 213(1) of the Library Services and Technology Act (20 U.S.C. 9122(1)).”

SA 388. Ms. KLOBUCHAR (for Mrs. MURRAY) proposed an amendment to the concurrent resolution S. Con. Res. 4, expressing the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United States; as follows:

In the resolving clause, insert before the period at the end the following: “and that, in

order to preserve, protect, and maintain the limited amount of space available at Arlington National Cemetery and ensure that future proposals for commemorative works are appropriately designed, constructed, and located and reflect a consensus of the lasting national significance of the subjects involved, the President of the United States, as Commander in Chief, should establish an Arlington National Cemetery Memorial Advisory Commission and procedures for the evaluation and approval of new monuments and memorials comparable to those in chapter 89 of title 40, United States Code (commonly referred to as the ‘Commemorative Works Act’).”

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on May 26, 2011, at 10:15 a.m. in SH-216.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 26, 2011, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on May 26, 2011, at 10 a.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 26, 2011, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled “The U.S.-Korea Free Trade Agreement.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 26, 2011, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on May 26, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on May 26, 2011, at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building to conduct a hearing entitled “In Our Way: Expanding the Success of Native Language & Culture-Based Education.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on May 26, 2011, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 26, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on May 26, 2011, from 2-4 p.m. in Dirksen 106.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. CARDIN. Mr. President, I ask unanimous consent that floor privileges be temporarily granted to Kyle Parker, a staff member of the Commission on Security and Cooperation in Europe, which I cochair, during the pendency of this colloquy in which I am engaging with Senator McCAIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF DONALD B. VERRILLI, JR., TO BE SOLICITOR GENERAL OF THE UNITED STATES

Ms. KLOBUCHAR. Mr. President, I move to proceed to executive session to consider Calendar No. 118, and I send a cloture motion to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The motion is agreed to.

The clerk will report the nomination.

The bill clerk read the nomination of Donald B. Verrilli, Jr., of the District of Columbia, to be Solicitor General of the United States.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented

under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Donald B. Verrilli, Jr., of the District of Columbia, to be Solicitor General of the United States.

Patrick J. Leahy, Kent Conrad, John F. Kerry, Sheldon Whitehouse, Amy Klobuchar, Benjamin L. Cardin, Jeff Bingaman, Barbara Boxer, Jeff Merkley, Ron Wyden, Robert Menendez, Jeanne Shaheen, Bernard Sanders, Frank R. Lautenberg, Jack Reed, Patty Murray, Richard J. Durbin

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that on Monday, June 6, 2011, at 4:30 p.m., the Senate proceed to executive session to consider Calendar No. 118; that there be 1 hour for debate equally divided in the usual form prior to the cloture vote; further, that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2011

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 56, H.R. 754.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 754) to authorize appropriations for fiscal year 2011 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mrs. FEINSTEIN. Mr. President, I am very pleased that the Senate will be passing the fiscal year 2011 intelligence authorization bill today.

This is now the second year in a row that we have been able to pass an authorization bill, after 6 years without doing so.

The bill authorizes funding for fiscal year 2011 for the 16 different agencies across the U.S. Government that make up the intelligence community. Unlike the fiscal year 2010 bill, which was enacted last October, this bill also contains a classified annex, which is the main mechanism the Intelligence Committee has to set the level of intelligence spending and direct how it is used.

The bill adds hundreds of millions of dollars above the President's request

for intelligence activities for fiscal year 2011. However, in anticipation of tighter future budgets, the bill also takes some initial steps to prepare the intelligence community for likely smaller budgets and personnel decreases in the coming years.

The bill includes a number of legislative provisions, including:

A section requiring the intelligence community to prevent another security disaster, such as the recent leaks of classified information to Wikileaks, through the implementation of automated information technology threat detection programs that must be fully operational by the end of 2013;

A provision improving the ability of government agencies to detail personnel to needed areas of the intelligence community;

A commendation of intelligence community personnel for their role in bringing Osama bin Laden to justice and reaffirming the commitment of the Congress to use the capabilities of the intelligence community to disrupt, dismantle, and defeat al-Qaida and affiliated organizations.

With the passage of this legislation, I believe we have restored the committee's ability to do oversight, and we are now on track to pass intelligence authorization bills each year.

I very much appreciate the close collaboration of Senator CHAMBLISS, the vice chairman of the committee, in this effort. We have worked closely together to craft this legislation, and to secure its passage.

I also thank Chairman ROGERS and Ranking Member RUPPERSBERGER for their efforts on the House Permanent Select Committee on Intelligence. We worked well together on the fiscal year 2011 legislation to bring forward coordinated bills to the House and the Senate, and I look forward to continue to work together to enact the fiscal year 2012 intelligence authorization bill.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the bill be read a third time and the Senate proceed to a vote on passage of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the third reading of the bill.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The question is on the passage of the bill.

The bill (H.R. 754) was passed.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the motion to reconsider be laid upon the table and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

FASTER FOIA ACT OF 2011

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 31, S. 627.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 627) to establish the Commission on Freedom of Information Act Processing and Delays.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with amendments, as follows:

[Omit the part struck through and insert the part printed in italic.]

S. 627

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMMISSION ON FREEDOM OF INFORMATION ACT PROCESSING DELAYS.

(a) SHORT TITLE.—This Act may be cited as the “Faster FOIA Act of 2011”.

(b) ESTABLISHMENT.—There is established the Commission on Freedom of Information Act Processing Delays (in this Act referred to as the “Commission” for the purpose of conducting a study relating to methods to help reduce delays in processing requests submitted to Federal agencies under section 552 of title 5, United States Code (commonly referred to as the “Freedom of Information Act”).

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of [16] 12 members of whom—

(A) [3] 2 shall be appointed by the chairman of the Committee on the Judiciary of the Senate;

(B) [3] 2 shall be appointed by the ranking member of the Committee on the Judiciary of the Senate;

(C) [3] 2 shall be appointed by the chairman of the Committee on Government Reform of the House of Representatives;

(D) [3] 2 shall be appointed by the ranking member of the Committee on Government Reform of the House of Representatives;

(E) 1 shall be appointed by the Attorney General of the United States;

(F) 1 shall be appointed by the Director of the Office of Management and Budget;

(G) 1 shall be appointed by the Archivist of the United States; and

(H) 1 shall be appointed by the Comptroller General of the United States.

(2) QUALIFICATIONS OF CONGRESSIONAL APPOINTEES.—Of the [3] 2 appointees under each of subparagraphs (A), (B), (C), and (D) of paragraph (1) at least [2] 1 shall have experience [in academic research] as a FOIA requestor, or in the fields of library science, information management, or public access to Government information.

(3) TIMELINESS OF APPOINTMENTS.—Appointments to the Commission shall be made as expeditiously as possible, but not later than 60 days after the date of enactment of this Act.

(d) STUDY.—The Commission shall conduct a study to—

(1) identify methods that—

(A) will help reduce delays in the processing of requests submitted to Federal agencies under section 552 of title 5, United States Code; and

(B) ensure the efficient and equitable administration of that section throughout the Federal Government;

(2) examine whether the system for charging fees and granting waivers of fees under section 552 of title 5, United States Code, needs to be reformed in order to reduce delays in processing requests; and

(3) examine and determine—

(A) why the Federal Government's use of the exemptions under section 552(b) of title 5, United States Code, increased during fiscal year 2009;

(B) the reasons for any increase, including whether the increase was warranted and whether the increase contributed to FOIA processing delays;

(C) what efforts were made by Federal agencies to comply with President Obama's January 21, 2009 Presidential Memorandum on Freedom of Information Act Requests and whether those efforts were successful; [and]

(D) [make] any recommendations on how the use of exemptions under section 552(b) of title 5, United States Code, may be limited[.]; and

(E)(i) whether any disparities in processing, processing times, and completeness of responses to FOIA requestors have occurred based upon political considerations, ideological viewpoints, the identity of the requestors, affiliation with the media, or affiliation with advocacy groups;

(ii) if any disparities have occurred, why such disparities have occurred; and

(iii) the extent to which political appointees have been involved in the FOIA process.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit a report to Congress and the President containing the results of the study under this section, which shall include—

(1) a description of the methods identified by the study;

(2) the conclusions and recommendations of the Commission regarding—

(A) each method identified; and

(B) the charging of fees and granting of waivers of fees; and

(3) recommendations for legislative or administrative actions to implement the conclusions of the Commission.

(f) STAFF AND ADMINISTRATIVE SUPPORT SERVICES.—The Archivist of the United States shall provide to the Commission such staff and administrative support services, including research assistance at the request of the Commission, as necessary for the Commission to perform its functions efficiently and in accordance with this section.]

(f) STAFF AND ADMINISTRATIVE SUPPORT SERVICES.—

(1) IN GENERAL.—The Archivist of the United States shall provide to the Commission such staff and administrative support services, including research assistance at the request of the Commission, as necessary for the Commission to perform its functions efficiently and in accordance with this section.

(2) PAYMENT OF EXPENSES.—

(A) STAFF SALARIES.—The Archivist of the United States shall pay staff expenses relating to salaries under this subsection from available appropriations in the applicable account for salaries of the National Archives and Records Administration.

(B) ADMINISTRATIVE SUPPORT SERVICES.—Except as provided under subparagraph (A), the Archivist of the United States shall pay staff and administrative expenses under this subsection from available appropriations in the operating expenses account of the National Archives and Records Administration.

(3) APPROPRIATIONS REQUESTS.—Expenses paid under this subsection shall not form the basis for additional appropriations requests from the National Archives and Records Administration in the future.

(g) INFORMATION.—To the extent permitted by law, the heads of executive agencies, the Government Accountability Office, and the Congressional Research Service shall provide to the Commission such information as the Commission may require to carry out its functions.

(h) COMPENSATION OF MEMBERS.—Members of the Commission shall serve without compensation for services performed for the Commission.

(i) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel ex-

penses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.]

(i) TRAVEL EXPENSES.—

(1) IN GENERAL.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(2) PAYMENT OF EXPENSES.—The Administrator of General Services shall pay travel expenses under this subsection from available appropriations in the operating expenses account of the General Services Administration.

(3) APPROPRIATIONS REQUESTS.—Expenses paid under this subsection shall not form the basis for additional appropriations requests from the National Archives and Records Administration in the future.

(j) TRANSPARENCY.—All meetings of the Commission shall be open to the public, except that a meeting, or any portion of it, may be closed to the public if it concerns matters or information described in chapter 552b(c) of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present oral or written statements on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before the Commission.

(k) TERMINATION.—The Commission shall terminate 30 days after the submission of the report under subsection (e).

Mr. LEAHY. Mr. President, I commend the Senate for unanimously passing the Faster FOIA Act of 2011. This important bill will establish a bipartisan commission to examine the root causes of agency delays in processing Freedom of Information Act—FOIA—requests, and to recommend to the Congress and the President steps to help eliminate FOIA backlogs.

Senator CORNYN and I first introduced this bill in 2005, because we were concerned about the growing problem of excessive FOIA delays within our Federal agencies. During the intervening years, the problem of excessive FOIA delays did not go away. That is why in 2010, we reintroduced this bill and the Senate unanimously passed it last year. After the Judiciary Committee's hearing in March on FOIA, we reintroduced this bill yet again—with the hope that the Congress will finally enact this good government legislation. Today, the Senate is doing its part to achieve that goal.

While the Obama administration has made significant progress in improving the FOIA process, large backlogs remain a major roadblock to public access to information. A recent report released by the National Security Archive found that only about half of the Federal agencies surveyed have taken concrete steps to update their FOIA policies in light of these reforms. These delays are simply unacceptable. The bipartisan FOIA commission established by this bill will help to reverse this trend.

The commission created by the Faster FOIA Act will make key rec-

ommendations to Congress and the President for reducing impediments to the efficient processing of FOIA requests. The commission will also study why Federal agencies are more and more relying on FOIA exemptions to withhold information from the public. In addition, the commission will examine whether the current system for charging fees and granting fee waivers under FOIA should be modified. The commission will also be made up of government and non-governmental representatives with a broad range of experience related to handling FOIA requests.

I have said many times over the years that open government is neither a Democratic issue, nor a Republican issue—it is truly an American value and virtue that we all must uphold. I thank Senator CORNYN for his work on this bill and for his leadership on this issue. I also thank Senator WHITEHOUSE who has cosponsored this bill.

In addition, I thank the Judiciary Committee's ranking member, Senator GRASSLEY, for working with me on this bill and his help in securing its passage in the Senate. I commend and thank the many open government and FOIA advocacy groups that have supported this bill, including OpenTheGovernment.org, the Project on Government Oversight and the Sunshine in Government Initiative.

I hope that the House of Representatives will promptly pass this good government legislation, so that the Commission on Freedom of Information Act Processing Delays can begin its work.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The bill (S. 627), as amended, was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 627

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMMISSION ON FREEDOM OF INFORMATION ACT PROCESSING DELAYS.

(a) SHORT TITLE.—This Act may be cited as the "Faster FOIA Act of 2011".

(b) ESTABLISHMENT.—There is established the Commission on Freedom of Information Act Processing Delays (in this Act referred to as the "Commission") for the purpose of conducting a study relating to methods to help reduce delays in processing requests submitted to Federal agencies under section 552 of title 5, United States Code (commonly referred to as the "Freedom of Information Act").

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 12 members of whom—

(A) 2 shall be appointed by the chairman of the Committee on the Judiciary of the Senate;

(B) 2 shall be appointed by the ranking member of the Committee on the Judiciary of the Senate;

(C) 2 shall be appointed by the chairman of the Committee on Government Reform of the House of Representatives;

(D) 2 shall be appointed by the ranking member of the Committee on Government Reform of the House of Representatives;

(E) 1 shall be appointed by the Attorney General of the United States;

(F) 1 shall be appointed by the Director of the Office of Management and Budget;

(G) 1 shall be appointed by the Archivist of the United States; and

(H) 1 shall be appointed by the Comptroller General of the United States.

(2) QUALIFICATIONS OF CONGRESSIONAL APPOINTEES.—Of the 2 appointees under each of subparagraphs (A), (B), (C), and (D) of paragraph (1) at least 1 shall have experience as a FOIA requestor, or in the fields of library science, information management, or public access to Government information.

(3) TIMELINESS OF APPOINTMENTS.—Appointments to the Commission shall be made as expeditiously as possible, but not later than 60 days after the date of enactment of this Act.

(d) STUDY.—The Commission shall conduct a study to—

(1) identify methods that—

(A) will help reduce delays in the processing of requests submitted to Federal agencies under section 552 of title 5, United States Code; and

(B) ensure the efficient and equitable administration of that section throughout the Federal Government;

(2) examine whether the system for charging fees and granting waivers of fees under section 552 of title 5, United States Code, needs to be reformed in order to reduce delays in processing requests; and

(3) examine and determine—

(A) why the Federal Government's use of the exemptions under section 552(b) of title 5, United States Code, increased during fiscal year 2009;

(B) the reasons for any increase, including whether the increase was warranted and whether the increase contributed to FOIA processing delays;

(C) what efforts were made by Federal agencies to comply with President Obama's January 21, 2009 Presidential Memorandum on Freedom of Information Act Requests and whether those efforts were successful;

(D) any recommendations on how the use of exemptions under section 552(b) of title 5, United States Code, may be limited; and

(E)(i) whether any disparities in processing, processing times, and completeness of responses to FOIA requestors have occurred based upon political considerations, ideological viewpoints, the identity of the requestors, affiliation with the media, or affiliation with advocacy groups;

(ii) if any disparities have occurred, why such disparities have occurred; and

(iii) the extent to which political appointees have been involved in the FOIA process.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit a report to Congress and the President containing the results of the study under this section, which shall include—

(1) a description of the methods identified by the study;

(2) the conclusions and recommendations of the Commission regarding—

(A) each method identified; and

(B) the charging of fees and granting of waivers of fees; and

(3) recommendations for legislative or administrative actions to implement the conclusions of the Commission.

(f) STAFF AND ADMINISTRATIVE SUPPORT SERVICES.—

(1) IN GENERAL.—The Archivist of the United States shall provide to the Commission such staff and administrative support services, including research assistance at the request of the Commission, as necessary for the Commission to perform its functions efficiently and in accordance with this section.

(2) PAYMENT OF EXPENSES.—

(A) STAFF SALARIES.—The Archivist of the United States shall pay staff expenses relating to salaries under this subsection from available appropriations in the applicable account for salaries of the National Archives and Records Administration.

(B) ADMINISTRATIVE SUPPORT SERVICES.—Except as provided under subparagraph (A), the Archivist of the United States shall pay staff and administrative expenses under this subsection from available appropriations in the operating expenses account of the National Archives and Records Administration.

(3) APPROPRIATIONS REQUESTS.—Expenses paid under this subsection shall not form the basis for additional appropriations requests from the National Archives and Records Administration in the future.

(g) INFORMATION.—To the extent permitted by law, the heads of executive agencies, the Government Accountability Office, and the Congressional Research Service shall provide to the Commission such information as the Commission may require to carry out its functions.

(h) COMPENSATION OF MEMBERS.—Members of the Commission shall serve without compensation for services performed for the Commission.

(i) TRAVEL EXPENSES.—

(1) IN GENERAL.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(2) PAYMENT OF EXPENSES.—The Administrator of General Services shall pay travel expenses under this subsection from available appropriations in the operating expenses account of the General Services Administration.

(3) APPROPRIATIONS REQUESTS.—Expenses paid under this subsection shall not form the basis for additional appropriations requests from the National Archives and Records Administration in the future.

(j) TRANSPARENCY.—All meetings of the Commission shall be open to the public, except that a meeting, or any portion of it, may be closed to the public if it concerns matters or information described in chapter 552b(c) of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present oral or written statements on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before the Commission.

(k) TERMINATION.—The Commission shall terminate 30 days after the submission of the report under subsection (e).

APPROPRIATE SITING ON CHAPLAINS HILL IN ARLINGTON CEMETERY

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Veterans' Affairs Committee be discharged

from further consideration of S. Con. Res. 4 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The bill clerk read as follows:

A resolution (S. Con. Res. 4) expressing the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United States.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mrs. MURRAY. Mr. President, I would like to take a moment to speak on the passage of S. Con. Res. 4, as amended, which would allow for the establishment of a Jewish Chaplains Memorial on Chaplains Hill in Arlington National Cemetery.

Since their inclusion in the Chaplain Corps in 1862, Jewish Chaplains have played a vital role in supporting members of the Armed Forces. In Arlington National Cemetery, Chaplains Hill serves as a memorial for military chaplains who have died in service to their country.

Chaplains play a critical role in the lives of our Nation's soldiers, providing spiritual guidance and emotional support in their times of need. In addition to their spiritual role, chaplains still remain a part of the military and give their lives in the line of duty.

Mr. President, in particular, one story poignantly tells of the service and sacrifice that chaplains make on behalf of their fellow servicemembers. On January 23, 1943, the USAT Dorchester was attacked by an enemy submarine while off the coast of Newfoundland. Four Army chaplains remained on the sinking vessel ensuring that surviving crew members would be able to reach the lifeboats, even surrendering their own lifejackets to crewmembers in need. As the ship began to sink, the chaplains banded together to pray for the safety of the crew. In honor of that selfless act, Congress created the Chaplain's Medal of Honor, also known as the Four Chaplains Medal. One of the chaplains was Rabbi Alexander D. Goode, a lieutenant in the Army, who is one of the 13 Jewish Chaplains who would be honored by the memorial that this Resolution would establish.

I would like to thank the many groups and individuals involved in this project. Specifically, I would like to acknowledge the efforts of Rabbi Harold Robinson, RADM CHC USN Retired, Kenneth Kraetzer, Mr. Sol Moglen and Ms. Shelley Rood. Without the work of these dedicated individuals, the sacrifice Jewish Chaplains have made on behalf of this Nation would remain unmemorialized in Arlington National Cemetery.

Ms. KLOBUCHAR. I ask unanimous consent that the Murray amendment,

which is at the desk, be agreed to, the concurrent resolution, as amended, be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 388) was agreed to as follows:

(Purpose: To express the sense of Congress on the establishment of an advisory commission on memorials at Arlington National Cemetery and facilitate evaluation and approval of future monuments and memorials at the cemetery)

In the resolving clause, insert before the period at the end the following: "and that, in order to preserve, protect, and maintain the limited amount of space available at Arlington National Cemetery and ensure that future proposals for commemorative works are appropriately designed, constructed, and located and reflect a consensus of the lasting national significance of the subjects involved, the President of the United States, as Commander in Chief, should establish an Arlington National Cemetery Memorial Advisory Commission and procedures for the evaluation and approval of new monuments and memorials comparable to those in chapter 89 of title 40, United States Code (commonly referred to as the 'Commemorative Works Act')".

The concurrent resolution (S. Con. Res. 4), as amended, was agreed to.

The preamble was agreed to.

The concurrent resolution, as amended with its preamble, reads as follows:

S. CON. RES. 4

Whereas 13 Jewish chaplains have died while on active duty in the Armed Forces of the United States;

Whereas Army Chaplain Rabbi Alexander Goode died on February 3, 1943, when the USS Dorchester was sunk by German torpedoes off the coast of Greenland;

Whereas Chaplain Goode received the Four Chaplains' Medal for Heroism and the Distinguished Service Cross for his heroic efforts to save the lives of those onboard the Dorchester;

Whereas Army Chaplain Rabbi Irving Tepper was killed in action in France on August 13, 1944;

Whereas Chaplain Tepper also saw combat in Morocco, Tunisia, and Sicily while attached to an infantry combat team in the Ninth Division;

Whereas Army Chaplain Rabbi Louis Werfel died on December 24, 1944, at the young age of 27, in a plane crash while en route to conduct Chanukah services;

Whereas Chaplain Werfel was known as "The Flying Rabbi" because his duties required traveling great distances by plane to serve Army personnel of Jewish faith at outlying posts;

Whereas Army Chaplain Rabbi Meir Engel died at the Naval Hospital in Saigon on December 16, 1964, after faithfully serving his country during World War II, the Korean War, and the Vietnam War;

Whereas Army Chaplain Rabbi Morton Singer died on December 17, 1968, in a plane crash while on a mission in Vietnam to conduct Chanukah services;

Whereas Army Chaplain Rabbi Herman Rosen died in service of his faith and his country on June 18, 1943;

Whereas Chaplain Rabbi Herman Rosen's son, Air Force Chaplain Solomon Rosen, also died in service of his faith and his country, on November 2, 1948;

Whereas Army Chaplain Rabbi Nachman Arnoff died in service of his faith and his country on May 9, 1946;

Whereas Army Chaplain Rabbi Frank Goldenberg died in service of his faith and his country on May 22, 1946;

Whereas Army Chaplain Rabbi Henry Goody died in service of his faith and his country on October 19, 1943;

Whereas Army Chaplain Rabbi Samuel Hurwitz died in service of his faith and his country December 9, 1943;

Whereas Air Force Chaplain Rabbi Samuel Rosen died in service of his faith and his country on May 13, 1955;

Whereas Air Force Chaplain Rabbi David Sobel died in service of his faith and his country on March 7, 1974;

Whereas Chaplains Hill in Arlington National Cemetery memorializes the names of 242 chaplains who perished while on active duty in the Armed Forces of the United States; and

Whereas none of the 13 Jewish chaplains who have died while on active duty are memorialized on Chaplains Hill: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery should be provided for a memorial marker, to be paid for with private funds, to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United States, so long as the Secretary of the Army has exclusive authority to approve the design and site of the memorial marker and that, in order to preserve, protect, and maintain the limited amount of space available at Arlington National Cemetery and ensure that future proposals for commemorative works are appropriately designed, constructed, and located and reflect a consensus of the lasting national significance of the subjects involved, the President of the United States, as Commander in Chief, should establish an Arlington National Cemetery Memorial Advisory Commission and procedures for the evaluation and approval of new monuments and memorials comparable to those in chapter 89 of title 40, United States Code (commonly referred to as the "Commemorative Works Act").

Ms. KLOBUCHAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL CANCER RESEARCH MONTH

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 172 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 172) recognizing the importance of cancer research and the contributions made by scientists and clinicians across the United States who are dedicated

to finding a cure for cancer, and designating May 2011, as "National Cancer Research Month."

There being no objection, the Senate proceeded to consider the resolution.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that Senator CARDIN be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 172) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 172

Whereas in 2011, cancer remains one of the most pressing public health concerns in the United States, with 1,500,000 Americans expected to be diagnosed with cancer and more than 500,000 expected to die from the disease;

Whereas the term "cancer" refers to more than 200 diseases that collectively represent the leading cause of death for Americans under age 85, and the second leading cause of death for Americans overall;

Whereas the national investment in cancer research has yielded substantial returns in research advances and lives saved, with a scholarly estimate that every 1 percent decline in cancer mortality saves the United States economy \$500,000,000,000;

Whereas advancements in the understanding of the causes, mechanisms, diagnosis, treatment, and prevention of cancer have led to cures for many types of cancers and have converted other types of cancers into manageable chronic conditions;

Whereas the 5-year survival rate for all cancers has improved during the 30 years prior to the date of approval of this resolution to more than 65 percent, and as of 2011, there are more than 12,000,000 cancer survivors living in the United States;

Whereas partnerships with research scientists and the general public, survivors and patient advocates, philanthropic organizations, industry, and Federal, State, and local governments have led to advanced breakthroughs, early detection tools that have increased survival rates, and a better quality of life for cancer survivors; and

Whereas advances in cancer research have had significant implications for the treatment of other costly diseases such as diabetes, heart disease, Alzheimer's disease, HIV/AIDS, and macular degeneration: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of cancer research and the invaluable contributions of the researchers in the United States and worldwide and who are dedicated to reversing the cancer epidemic;

(2) designates May 2011 as "National Cancer Research Month"; and

(3) supports efforts to make cancer research a national and international priority so that one day the more than 200 diseases known as cancer are eliminated.

NATIONAL FOSTER CARE MONTH

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 203, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 203) recognizing “National Foster Care Month” as an opportunity to raise awareness about the challenges of children in the foster care system, and encouraging Congress to implement policy to improve the lives of children in the foster care system.

There being no objection, the Senate proceeded to consider the resolution.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 203) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 203

Whereas “National Foster Care Month” was established more than 20 years ago to bring foster care issues to the forefront, to highlight the importance of permanency for every child, and to recognize the essential role that foster parents, social workers, and advocates have in the lives of children in foster care throughout the United States;

Whereas all children deserve a safe, loving, and permanent home;

Whereas the primary goal of the foster care system is to ensure the safety and well-being of children while working to provide a safe, loving, and permanent home for each child;

Whereas there are approximately 420,000 children living in foster care;

Whereas there are 115,000 children in foster care awaiting adoption;

Whereas 57,000 children are adopted out of foster care each year;

Whereas children of color are more likely to stay in the foster care system for longer periods of time and are less likely to be reunited with their biological families;

Whereas the number of available foster homes is declining, and there are only 2.8 foster homes for every 10 children in foster care;

Whereas children entering foster care often confront the widespread misperception that children in foster care are disruptive, unruly, and dangerous, even though placement in foster care is based on the actions of a parent or guardian, not the child;

Whereas foster care is intended to be a temporary placement, but children remain in the foster care system for an average of 2 years;

Whereas children in foster care experience an average of 3 different placements, which often leads to disruption of routines, and the need to change schools and move away from siblings, extended families, and familiar surroundings;

Whereas more than 29,000 youth “age out” of foster care without a legal permanent connection to an adult or family;

Whereas the number of youth who “age out” of foster care has steadily increased for the past decade;

Whereas children who “age out” of foster care lack the security or support of a biological or adoptive family and frequently struggle to secure affordable housing, obtain health insurance, pursue higher education, and acquire adequate employment;

Whereas on average, 8.5 percent of the positions in child protective services remain vacant;

Whereas due to heavy caseloads and limited resources, the average tenure for a worker in child protection services is just 3 years;

Whereas States, localities, and communities should be encouraged to invest resources in preventative and reunification services and post-permanency programs to ensure that more children in foster care are provided with safe, loving, and permanent placements;

Whereas the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351; 122 Stat. 3949) provides for new investments and services to improve the outcomes of children and families in the foster care system; and

Whereas much remains to be done to ensure that all children have a safe, loving, nurturing, and permanent family, regardless of age or special needs: Now, therefore, be it Resolved, That the Senate—

(1) recognizes “National Foster Care Month” as an opportunity to raise awareness about the challenges that children in the foster care system face;

(2) encourages Congress to implement policy to improve the lives of children in the foster care system;

(3) supports the designation of May as “National Foster Care Month”;

(4) acknowledges the special needs of children in the foster care system;

(5) honors the commitment and dedication of the individuals who work tirelessly to provide assistance and services to children in the foster care system; and

(6) reaffirms the need to continue working to improve the outcomes of all children in the foster care system through title IV of the Social Security Act (42 U.S.C. 601 et seq.) and other programs designed to help children in the foster care system reunite with their biological parents or, if the children cannot be reunited with their biological parents, find permanent, safe, and loving homes.

NATIONAL HUNGER AWARENESS DAY

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 204, submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 204) designating June 7, 2011, as “National Hunger Awareness Day.”

There being no objection, the Senate proceeded to consider the resolution.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 204) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 204

Whereas food insecurity and hunger are a fact of life for millions of individuals in the United States and can produce physical, mental, and social impairments;

Whereas recent data published by the Department of Agriculture show that approximately 50,200,000 individuals in the United States live in households experiencing hunger or food insecurity, and of that number, 33,000,000 are adults and 17,200,000 are children;

Whereas the Department of Agriculture data also show that households with children experience nearly twice the rate of food insecurity as those households without children;

Whereas 4.8 percent of all households in the United States (approximately 5,600,000 households) have accessed emergency food from a food pantry 1 or more times;

Whereas the report entitled “Household Food Security in the United States, 2009” and published by the Economic Research Service of the Department of Agriculture found that in 2009, the most recent year for which data exist—

(1) 14.7 percent of all households in the United States experienced food insecurity at some point during the year;

(2) 21.3 percent of all households with children in the United States experienced food insecurity at some point during the year; and

(3) 7.5 percent of all households with elderly individuals in the United States experienced food insecurity at some point during the year;

Whereas the problem of hunger and food insecurity can be found in rural, suburban, and urban portions of the United States, touching nearly every community of the United States;

Whereas, although substantial progress has been made in reducing the incidence of hunger and food insecurity in the United States, many Americans remain vulnerable to hunger and the negative effects of food insecurity;

Whereas the people of the United States have a long tradition of providing food assistance to hungry individuals through acts of private generosity and public support programs;

Whereas the Federal Government provides nutritional support to millions of individuals through numerous Federal food assistance programs, including—

(1) the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.);

(2) the child nutrition program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(3) the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

(4) the emergency food assistance program established under the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.); and

(5) food donation programs;

Whereas there is a growing awareness of the important role that community-based organizations, institutions of faith, and charities play in assisting hungry and food-insecure individuals;

Whereas more than 50,000 local, community-based organizations rely on the support and efforts of more than 1,000,000 volunteers to provide food assistance and services to millions of vulnerable people; and

Whereas all people of the United States can participate in hunger relief efforts in their communities by—

(1) donating food and money to hunger relief efforts;

(2) volunteering for hunger relief efforts; and

(3) supporting public policies aimed at reducing hunger: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 7, 2011, as “National Hunger Awareness Day”; and

(2) calls on the people of the United States to observe National Hunger Awareness Day—

(A) with appropriate ceremonies, volunteer activities, and other support for local anti-hunger advocacy efforts and hunger relief charities, including food banks, food rescue organizations, food pantries, soup kitchens, and emergency shelters; and

(B) by continuing to support programs and public policies that reduce hunger and food insecurity in the United States.

MEASURE READ THE FIRST TIME—S. 1125

Ms. KLOBUCHAR. Mr. President, I understand that S. 1125, introduced earlier today by Senator LEAHY, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 1125) to improve national security letters, the authorities under the Foreign Intelligence Surveillance Act of 1978, and for other purposes.

Ms. KLOBUCHAR. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read the second time on the next legislative day.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader, after consultation with the Chairman of the Select Committee on Intelligence of the Senate, and pursuant to the provisions of Public Law 107-306, as amended by Public Law 111-259, announces the appointment of the following individual to serve as a member of the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community: John H. Young, of Virginia.

APPOINTMENT AUTHORITY

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that from Friday, May 27, through Friday, June 3, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or inter-parliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

SIGNING AUTHORITY

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that from

Thursday, May 26, through Friday, June 3, the majority leader, Senator KLOBUCHAR, and Senator WEBB be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 49, 97, 106, 107, 111, 121, 122, 123, 124, 125, 126, 127, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168; and nominations placed on the Secretary's desk in the Air Force, Army, Coast Guard, Foreign Service, Marine Corps, Navy, and Public Health Service, with the exception of: Kenia P. Altamirano, Rebecca M. Kibel, Timothy N. Onserio, Justin R. Plott, Brandy Torres; that the nominations be confirmed en bloc, the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to any of the nominations; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed en bloc as follows:

DEPARTMENT OF DEFENSE

Jo Ann Rooney, of Massachusetts, to be Principal Deputy Under Secretary of Defense for Personnel and Readiness.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. David L. Goldfein

DEPARTMENT OF VETERANS AFFAIRS

Allison A. Hickey, of Virginia, to be Under Secretary for Benefits of the Department of Veterans Affairs.

Steve L. Muro, of California, to be Under Secretary of Veterans Affairs for Memorial Affairs.

DEPARTMENT OF JUSTICE

Denise Ellen O'Donnell, of New York, to be Director of the Bureau of Justice Assistance.

DEPARTMENT OF THE TREASURY

Daniel L. Glaser, of the District of Columbia, to be Assistant Secretary for Terrorist Financing, Department of the Treasury.

EXPORT-IMPORT BANK OF THE UNITED STATES

Wanda Felton, of New York, to be First Vice President of the Export-Import Bank of the United States for a term expiring January 20, 2013.

Sean Robert Mulvaney, of Illinois, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2015.

DEPARTMENT OF STATE

George Albert Krol, of New Jersey, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Uzbekistan.

Daniel Benjamin Shapiro, of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Israel.

Henry S. Ensher, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Democratic Republic of Algeria.

Stuart E. Jones, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Hashemite Kingdom of Jordan.

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

Sim Farar, of California, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2012.

William J. Hybl, of Colorado, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2012.

NATIONAL SCIENCE FOUNDATION

Cora B. Marrett, of Wisconsin, to be Deputy Director of the National Science Foundation.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Martha Wagner Weinberg, of Massachusetts, to be a Member of the National Council on the Humanities for a term expiring January 26, 2016.

Paula Barker Duffy, of Illinois, to be a Member of the National Council on the Humanities for a term expiring January 26, 2016.

Cathy N. Davidson, of North Carolina, to be a Member of the National Council on the Humanities for a term expiring January 26, 2016.

Constance M. Carroll, of California, to be a Member of the National Council on the Humanities for a term expiring January 26, 2016.

Albert J. Beveridge III, of the District of Columbia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2016.

NATIONAL COUNCIL ON DISABILITY

Clyde E. Terry, of New Hampshire, to be a Member of the National Council on Disability for a term expiring September 17, 2013.

Janice Lehrer-Stein, of California, to be a Member of the National Council on Disability for a term expiring September 17, 2013.

UNITED STATES INSTITUTE OF PEACE

Judith A. Ansley, of Massachusetts, to be a Member of the Board of Directors of the

United States Institute of Peace for the remainder of the term expiring September 19, 2011.

Judith A. Ansley, of Massachusetts, to be a Member of the Board of Directors of the United States Institute of Peace for a term of four years. (Reappointment)

John A. Lancaster, of New York, to be a Member of the Board of Directors of the United States Institute of Peace for the remainder of the term expiring September 19, 2011.

John A. Lancaster, of New York, to be a Member of the Board of Directors of the United States Institute of Peace for a term of four years.

NATIONAL SECURITY EDUCATION BOARD

Michael E. Guest, of South Carolina, to be a Member of the National Security Education Board for a term of four years.

Ana Margarita Guzman, of Texas, to be a Member of the National Security Education Board for a term of four years.

Christopher B. Howard, of Virginia, to be a Member of the National Security Education Board for a term of four years.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Brooks L. Bash

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be brigadier general

Col. David E. Deputy

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be major general

Brig. Gen. James D. Demeritt
Brig. Gen. Joseph K. Martin, Jr.

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brigadier General Mark A. Atkinson
Brigadier General William J. Bender
Brigadier General Brian T. Bishop
Brigadier General Christopher C. Bogdan
Brigadier General Michael J. Carey
Brigadier General John B. Cooper
Brigadier General Samuel D. Cox
Brigadier General Barbara J. Faulkenberry
Brigadier General Russell J. Handy
Brigadier General Michael A. Keltz
Brigadier General Steven L. Kwast
Brigadier General Frederick H. Martin
Brigadier General Thomas J. Masiello
Brigadier General Earl D. Matthews
Brigadier General Robert P. Otto
Brigadier General John W. Raymond
Brigadier General Darryl L. Roberson
Brigadier General Anthony J. Rock
Brigadier General Jay G. Santee
Brigadier General Rowayne A. Schatz, Jr.
Brigadier General John F. Thompson
Brigadier General Thomas J. Trask
Brigadier General Joseph S. Ward, Jr.
Brigadier General Jack Weinstein
Brigadier General Robert E. Wheeler
Brigadier General Martin Whelan
Brigadier General Stephen W. Wilson
Brigadier General Tod D. Wolters

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade

indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. David H. Buss

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. David J. Buck

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Gilmary M. Hostage III

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Mark F. Ramsay

IN THE ARMY

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Mark W. Palzer

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be major general

Brig. Gen. Gerald E. Lang

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., sections 624 and 3064:

To be brigadier general

Col. Charles R. Bailey

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., sections 12203 and 12211:

To be major general

Brig. Gen. Omer C. Tooley, Jr.

To be brigadier general

Col. Brian R. Carpenter

IN THE MARINE CORPS

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Colonel Charles G. Chiarotti
Colonel David W. Coffman
Colonel Thomas A. Gorry
Colonel Paul J. Kennedy
Colonel Joaquin F. Malavet
Colonel Niel E. Nelson
Colonel Loretta E. Reynolds
Colonel Russell A. Sanborn
Colonel George W. Smith, Jr.
Colonel Craig Q. Timberlake
Colonel Mark R. Wise
Colonel Daniel D. Yoo

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Richard P. Mills

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. George J. Flynn

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under the title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. John R. Allen

The following named officer for appointment as Commander, Marine Forces Reserves to the grade indicated in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5144:

To be lieutenant general

Maj. Gen. Steven A. Hummer

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Read Adm. Kendall L. Card

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Robert S. Harward, Jr.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Mark D. Harnitchek

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN222 AIR FORCE nominations (12) beginning MICHAEL D. DIETZ, and ending DOREEN F. WILDER, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 2011.

PN367 AIR FORCE nominations (516) beginning JAY O. AANRUD, and ending SCOTT C. ZIPPWALD, which nominations were received by the Senate and appeared in the Congressional Record of March 30, 2011.

PN436 AIR FORCE nominations (3) beginning MATTHEW J. BRONK, and ending JOY C. TABER, which nominations were received by the Senate and appeared in the Congressional Record of May 2, 2011.

PN437 AIR FORCE nomination of Paul L. Dandrea, which was received by the Senate and appeared in the Congressional Record of May 2, 2011.

PN493 AIR FORCE nomination of Jeffrey A. Bailey, which was received by the Senate and appeared in the Congressional Record of May 4, 2011.

PN494 AIR FORCE nomination of James A. Mace, which was received by the Senate and appeared in the Congressional Record of May 4, 2011.

PN495 AIR FORCE nominations (24) beginning BERNADETTE A. ANDERSON, and ending DWAYNE B. WILHITE, which nominations were received by the Senate and appeared in the Congressional Record of May 4, 2011.

PN496-1 AIR FORCE nominations (85) beginning JEFFERY D. AEBISCHER, and ending KURT V. WOYAK, which nominations

were received by the Senate and appeared in the Congressional Record of May 4, 2011.

PN498 AIR FORCE nominations (112) beginning LA RITA S. ABEL, and ending MICHAEL J. ZENK, which nominations were received by the Senate and appeared in the Congressional Record of May 4, 2011.

PN519 AIR FORCE nomination of Peter J. Avalos, which was received by the Senate and appeared in the Congressional Record of May 9, 2011.

IN THE ARMY

PN438 ARMY nominations (14) beginning KEITH W. ALFEIRI, and ending DIANA TORRES, which nominations were received by the Senate and appeared in the Congressional Record of May 2, 2011.

PN460 ARMY nominations (6) beginning MARK J. BERGLUND, and ending MICHAEL S. SARVER, which nominations were received by the Senate and appeared in the Congressional Record of May 2, 2011.

PN499 ARMY nomination of Michael P. Harry, which was received by the Senate and appeared in the Congressional Record of May 4, 2011.

PN500 ARMY nominations (989) beginning JOSEPH L. AARON, JR., and ending JOSEPH V. ZULKEY, which nominations were received by the Senate and appeared in the Congressional Record of May 4, 2011.

PN521 ARMY nominations (679) beginning CHARLES M. ABEYAWARDENA, and ending G001231, which nominations were received by the Senate and appeared in the Congressional Record of May 9, 2011.

PN522 ARMY nominations (565) beginning LISA M. ABEL, and ending CODY L. ZACH, which nominations were received by the Senate and appeared in the Congressional Record of May 9, 2011.

IN THE COAST GUARD

PN419 COAST GUARD nomination of William C. Dwyer, which was received by the Senate and appeared in the Congressional Record of April 8, 2011.

PN420 COAST GUARD nominations (5) beginning Jessica L. Bohn, and ending Jeremy A. Weiss, which nominations were received by the Senate and appeared in the Congressional Record of April 8, 2011.

IN THE FOREIGN SERVICE

PN308 FOREIGN SERVICE nominations (9) beginning Carmine G. D'Aloisio, and ending James F. Sullivan, which nominations were received by the Senate and appeared in the Congressional Record of March 4, 2011.

PN405 FOREIGN SERVICE nominations (99) beginning Patricia M. Aguilo, and ending Michelle Zjhra, which nominations were received by the Senate and appeared in the Congressional Record of April 6, 2011.

IN THE MARINE CORPS

PN179 MARINE CORPS nomination of Angella M. Lawrence, which was received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN192 MARINE CORPS nomination of Michael R. Cirillo, which was received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN236 MARINE CORPS nominations (328) beginning CARLTON W. ADAMS, and ending WAYNE R. ZUBER, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 2011.

IN THE NAVY

PN152 NAVY nomination of James P. McGrath, III, which was received by the Senate and appeared in the Congressional Record of January 26, 2011.

PN199 NAVY nomination of Steven M. Wechsler, which was received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN200 NAVY nomination of Fernando Harris, which was received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN205 NAVY nomination of Stephen K. Revelas, which was received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN240 NAVY nomination of Bradley S. Hawksworth, which was received by the Senate and appeared in the Congressional Record of February 3, 2011.

PN288 NAVY nomination of Douglas L. Edson, which was received by the Senate and appeared in the Congressional Record of February 28, 2011.

PN329 NAVY nomination of Stephen J. Parks, which was received by the Senate and appeared in the Congressional Record of March 9, 2011.

PN330 NAVY nomination of Hung Cao, which was received by the Senate and appeared in the Congressional Record of March 9, 2011.

PN425 NAVY nomination of Tracy T. Skipton, which was received by the Senate and appeared in the Congressional Record of April 8, 2011.

PN439 NAVY nomination of David T. Carpenter, which was received by the Senate and appeared in the Congressional Record of May 2, 2011.

PN440 NAVY nomination of Brent J. Kyler, which was received by the Senate and appeared in the Congressional Record of May 2, 2011.

PN441 NAVY nomination of Peter W. Ward, which was received by the Senate and appeared in the Congressional Record of May 2, 2011.

PN442 NAVY nomination of Pablito V. Quiatchon, which was received by the Senate and appeared in the Congressional Record of May 2, 2011.

PN443 NAVY nomination of Robert H. Buckingham, which was received by the Senate and appeared in the Congressional Record of May 2, 2011.

PN445 NAVY nomination of Bryan F. Butler, which was received by the Senate and appeared in the Congressional Record of May 2, 2011.

PN459 NAVY nominations (31) beginning WILLIAM H. ALBERT, and ending MICHAEL WITHERILL, which nominations were received by the Senate and appeared in the Congressional Record of May 2, 2011.

PN501 NAVY nomination of Valerie R. Overstreet, which was received by the Senate and appeared in the Congressional Record of May 4, 2011.

PN502 NAVY nominations (4) beginning NADESIA V. HENRY, and ending JOHN A. SALVATO, which nominations were received by the Senate and appeared in the Congressional Record of May 4, 2011.

PN536 NAVY nomination of Thomas P. Fantes, which was received by the Senate and appeared in the Congressional Record of May 11, 2011.

PN537 NAVY nomination of Cynthia E. Wilkerson, which was received by the Senate and appeared in the Congressional Record of May 11, 2011.

PN538 NAVY nominations (2) beginning DAVID T. CARPENTER, and ending TIMOTHY M. CHEN, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 2011.

PN539 NAVY nominations (3) beginning ROBERT D. PAVEL, and ending SHAUN C. SHILLADY, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 2011.

PN560 NAVY nomination of Kendall C. Jones, Jr., which was received by the Senate and appeared in the Congressional Record of May 18, 2011.

PN561 NAVY nomination of Kirk R. Parsley, which was received by the Senate and appeared in the Congressional Record of May 18, 2011.

PN562 NAVY nomination of Christian F. Jensen, which was received by the Senate and appeared in the Congressional Record of May 18, 2011.

PN563 NAVY nomination of Joseph M. Holt, which was received by the Senate and appeared in the Congressional Record of May 18, 2011.

PUBLIC HEALTH SERVICE WITH EXCEPTIONS

PN527 PUBLIC HEALTH SERVICE nominations (68) beginning Manisha Patel, and ending Christopher M. Sheehan, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 2011.

PN528 PUBLIC HEALTH SERVICE nominations (258) beginning Alice Y. Guh, and ending Ukegbu J. Ugochi, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 2011.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

ORDERS FOR FRIDAY, MAY 27; TUESDAY, MAY 31; FRIDAY, JUNE 3; AND MONDAY, JUNE 6, 2011

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Friday, May 27, for a pro forma session only, with no business conducted; that when the Senate adjourns on Friday, May 27, it stand adjourned until 10 a.m. on Tuesday, May 31, for a pro forma session only, with no business conducted; that when the Senate adjourns on Tuesday, May 31, it stand adjourned until 10:30 a.m. on Friday, June 3, for a pro forma session only, with no business conducted; and that when the Senate adjourns on Friday, June 3, it stand adjourned until 2 p.m. on Monday, June 6; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 4:30 p.m., with Senators permitted to speak for up to 10 minutes each; finally, that at 4:30 p.m., the Senate proceed to executive session under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Ms. KLOBUCHAR. Mr. President, the first rollcall vote when we return will be at 5:30 p.m. on Monday, June 6. That vote will be on the motion to invoke cloture on the nomination of Donald Verrilli to be Solicitor General of the United States.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Ms. KLOBUCHAR. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 8:30 p.m., adjourned until Friday, May 27, 2011, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF DEFENSE

LEON E. PANETTA, OF CALIFORNIA, TO BE SECRETARY OF DEFENSE, VICE ROBERT M. GATES.

UNITED STATES TAX COURT

KATHLEEN KERRIGAN, OF MASSACHUSETTS, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR THE TERM OF FIFTEEN YEARS, VICE HARRY A. HAINES, TERM EXPIRED.

ALBERT F. LAUBER, OF THE DISTRICT OF COLUMBIA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR THE TERM OF FIFTEEN YEARS, VICE STEPHEN J. SWIFT, RESIGNED.

NATIONAL SCIENCE FOUNDATION

ARNOLD F. STANCELLE, OF CONNECTICUT, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2014, VICE BARRY C. BARISH, TERM EXPIRED.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

RONALD DAVID MCCRAY, OF TEXAS, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING SEPTEMBER 25, 2012, VICE ANDREW SAUL, RESIGNED.

RONALD DAVID MCCRAY, OF TEXAS, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING SEPTEMBER 25, 2016. (RE-APPOINTMENT)

CENTRAL INTELLIGENCE AGENCY

DAVID H. PETRAEUS, OF NEW HAMPSHIRE, TO BE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY, VICE LEON E. PANETTA.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. MERLE D. HART

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

JEFFREY R. MACRIS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

TOBY C. SWAIN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

DANIEL J. HERNANDEZ

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

RAYMOND R. DELGADO III
HENRY A. MILLER
JOHN A. OKON
STEVEN P. SOPKO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

JOHN S. CRAWMER
BRIAN K. JACOBS
JAMES M. PARISH
TIMOTHY H. PFANNENSTEIN
JOSEPH A. RODRIGUEZ

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

CLIFFORD W. BEAN III

HEIDI K. BERG
MICHAEL A. CONNER
WILLIAM J. DIEHL
JEFFREY S. SCHEIDT
ANDREW D. STEWART

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

STEVEN J. AVERETT
JAMES H. DARENKAMP
JAMES A. IMANIAN
THOMAS W. LECHLEITNER, JR.
WILLIAM G. RHEA
JOHN A. WATKINS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

LOUIS W. ARNY IV
REGINALD BAKER
CARLOS S. GUZMAN
JAMES L. MCREYNOLDS
WILLIAM G. MILLER
GREGORY H. MOLINARI
BRIAN A. TREAT

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

CHRISTOPHER D. BOWNDS
CHRISTOPHER A. HARRIS
JANET E. LOMAX
CATHERINE M. MASSAR
ROMUEL B. NAFARRETE
JULIE J. ONEAL
STUART C. SATTERWHITE
KARIN A. VERNAZZA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

JAMES T. DENLEY
JOHN D. DENTON
FRANCIS P. FOLEY
TERRY C. GORDON
JEROME A. HINSON
FREDERICK A. MCGUFFIN
PATRICK J. MCLAUGHLIN
JOHN M. SHIMOTSU
THOMAS B. WEBBER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

ELIZABETH J. FRENCH
ROSANNE I. HARTLEY
GLORIA S. KASCIAK
CATHY M. MCCRARY
FRITZI J. McDONALD
MICHELLE L. MCKENZIE
JULIE C. MCNALLY
JOY L. MURRAY
YVONNE TAPIA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

THOMAS W. ARMSTRONG
GUNTER I. BRAUN
BRUCE L. DESHOTEL
HORACIO FERNANDEZ
PIERRE A. FULLER
RAYMOND D. GOYET, JR.
PAUL HARVEY
JOHN P. NEWCOMER
MICHAEL J. SINGLETON
JAMES S. TALBERT

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

JOHN W. CARSON III
MARC R. DELAO
STEPHEN J. DONLEY
MARK T. GERONIME
GLENN W. HUBBARD
NICHOLAS L. MERRY
ALEX D. STITES
DEAN A. VANDERLEY
STANLEY W. WILES
CHARLES S. WILLMORE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

KARL A. ANDINA
BRADY J. BARTOSH
RONALD M. BISHOP, JR.
MARK C. BRUNSTON
STEPHEN J. COMSTOCK
ANDREW C. EST
JOHN B. GAILEY

KYLE G. KARSTENS
JASON K. LOPEZ
ANGELO R. L. SMITHA
CHARLES M. STUART
NORMAN M. TOBLER II

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

SYED N. AHMAD
GREGORY R. BART
WILLIAM M. BOLAND
JEFFREY C. CASLER
ROBERT J. CROW
KRISTA J. DELLAPINA
DANIEL E. ELDRIDGE
CAREN L. MCCURDY
ANN K. MINAMI
JILLIAN L. MORRISON
GREGORY J. SMITH
LISA B. SULLIVAN
SCOTT F. THOMPSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

THOMAS J. ANDERSON
MICHAEL J. BARETELA
SCOTT M. BROWN
JOHN A. CHRISTENSEN
SCOTT A. DAVIS
GARRETT J. FARMAN
JAMES K. KALOWSKY
KEITH W. LEHNHARDT
JOHN J. LUND
WILLIAM B. MCNEAL
CASEY J. MOTON
MARK H. OBSTERREICH
DOUGLAS B. OGLESBY
ROBERT D. PHILLIPS
DARREN R. PLATH
JOHN J. SZATKOWSKI
ALLAN R. WALTERS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

KYLE B. BECKMAN
CHRISTOPHER C. BONE
STEVEN V. BROCK
GARY M. BRUCE
ROBIN A. Y. DAHLIN
ROBERT J. ENGELHARDT
WILLIAM P. GARRITY, JR.
STEVEN L. HORRELL
DAVID M. HOUFF
GREGORY A. HUSMANN
DARRYL F. JACKSON
JAMES H. LEWIS III
SHERYL S. RICHARDSON
KELLY A. ROBINSON
STEVEN B. SHEPARD
MICHAEL J. VERNAZZA
TRACY A. VINCENT

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

TIMOTHY A. ACKERMAN
MARC E. A. ARENA
WILLIAM C. BEUTEL
FRANK A. BIVINS
PETER C. COLELLA
KARINE M. CURETON
NADJMEH M. HARIRI
DONALD A. LONERGAN
DAVID A. LOWREY
KAREN M. LYNCH
BRETT T. METCALF
JOSEPH B. MICHAEL
JOSEPH D. MOLINARO
CHARLES W. I. PADDOCK
KEVIN T. PRINCE
BRIAN K. RITTER
IVAN ROMAN
WILLIAM G. SHOEMAKER
JONATHAN M. STAHL
JERRY TORRES
RANDALL J. WALKER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

ANTHONY A. ARITA
REBECCA L. BATES
DAVID N. BREIER
MARQUEZ P. CAMPBELL
DAVID C. COLLINS
CATHLEEN M. DONOHUE
KIMBERLY A. FERLAND
TONYA A. HALL
GARY E. HOYT
CHRISTOPHER J. IRWIN
CHRISTINE W. MANKOWSKI
SCOTT A. MCCLELLAN
BRUCE M. MILLER
JULIE K. MILLER
ALAN F. NORDHOLM

PATRICK W. PAUL
LYNDA M. RACE
STEVEN E. RANKIN
PHILLIP M. SANCHEZ
TODD C. SANDER
MARY S. SEYMOUR
RITA G. SIMMONS
PAULINE M. TAYLOR
RUBY M. TENNYSON
PETER P. TOLAND, JR.
JONATHAN P. WILCOX

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

RAYMOND W. BICHARD
PAUL J. BOURGEOIS
ROBERT A. BROOKS, JR.
JOHN D. CASSANI
KURT M. CHIVERS
WILBURN A. CLARKE
RACHEL M. FANT
MARK R. GOODRICH
JAMES C. GOUDREAU
PHILIPPE J. GRANDJEAN
ARISTIDES ILIAKIS
KEVIN M. JONES
BERNARD D. KNOX
JAMES A. LAPOINTE
KYLE P. LUKSOVSKY
PATRICK J. MCCLANAHAN
THOMAS J. MOREAU
DANIEL J. NOLL
PATRICK J. OCONNOR
GARY J. POWE
MICHAEL L. RENEGAR
JEFFREY A. SCHMIDT
JOHN D. SORACCO
KURT J. WENDELKEN
MARK S. WHEELER
EDWARD L. ZAWISLAK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

KARLYNA L. D. ANDERSEN
ADAM W. ARMSTRONG
ANTHONY G. BATTAGLIA
CHARLES R. BENSON
DAVID T. BEVERLY IV
MICHAEL A. BIDUS
STEVEN J. BLVIN
DAVID C. BLOOM
KEVIN D. BUCKLEY
RONALD B. BURBANK
LOYD G. BURGESS
TIMOTHY H. BURGESS
EDWARD G. BUTLER II
DONALD R. CARR
WILLIAM R. CARTER
TIMOTHY L. CLENNEY
PATRICK W. CLYDE
EUGENIO G. CONCEPCION II
SCOTT A. COTA
JOHN G. CRABILL
NANCY R. DELANEY
PAUL J. DEMIERI
DARIN L. DINELLI
RICHARD R. DOBHAN
BARBARA J. DROBINA
THEODORE D. EDSON
KURT R. EICHENMULLER
KATHRYN ELLIOTT
ERIC A. ELSTER
BRIAN T. FITZGERALD
KIM M. FORMAN
KIRK P. GASPER
ERIC M. GESSLER
MARK M. GOTO
JONATHAN C. GROH
TIMOTHY W. HALENKAMP
JOHN V. HARDWAY
JAMES F. HARRIS
STELLA M. HAYES
RUSSELL B. HAYS, JR.
ROBERT D. JACKSON
CHRISTINE L. JOHNSON
LORI M. KREVETSKI
THOMAS R. LATENDRESSE
CHRISTOPHER T. LEWIS
MATTHEW L. LIM
ROBERT J. LIPSITZ
JOHN W. LOVE
SCOTT A. LUZI
LISA M. MCGOWAN
JEFFREY D. MCGUIRE
DAVID B. MCLEAN
JOANNE F. MCMANAMAN
DEANA J. MILLER
DIPAK D. NADKARNI
LORRAINE S. NADKARNI
JOHN W. NELSON
THOMAS J. NELSON
WILLIAM S. PADGETT
SHELLEY K. PERKINS
KYLE PETERSEH
CHRISTOPHER H. REED
EDWARD A. REEDY
ROBERT A. REUER
ALLISON J. ROBINSON
THOMAS D. ROBINSON
ANDREW A. RUSNAK
MCHUGH L. A. SAVOIA

ERIK J. SCHWEITZER
GEORGE J. SEMPLE
ERIC M. SERGIENKO
ERIC S. SHERCK
WILLIAM T. SHIMEALL
ALFRED F. SHWAYHAT
CLIFFORD L. SMITH
BRETT V. SORTOR
FREDERIC R. SYLVIA
DAVID A. TARANTINO, JR.
JAMES E. TOLEDANO
THERON C. TOOLE
JACK W. L. TSAO
ANDREW F. VAUGHN
TODD L. WAGNER
GRANT C. WALLACE
ROLAND O. WILLOCK
JEFFREY WINEBRENNER
KIMBERLY S. WYATT
JAMES C. YOUNG
CRAIG M. ZELIG
TARA J. ZIEBER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

LYNN ACHESON
EDWARD L. ANDERSON
ERIC J. ANDERSON
WILLIAM S. ANDERSON
MONTY G. ASHLIMAN, JR.
SEAN R. BAILEY
CARROLL W. BANNISTER
MICHAEL W. BAZE
ROBERT E. BEAUCHAMP
PAUL A. BECKLEY
MARK D. BEHNING
ROBERT W. BODVAKE
BRENT M. BREINING
JODY G. BRIDGES
FUTNAM H. BRUNKE
DANIEL J. BRUNK
DANIEL W. BRYAN II
WILLIAM A. BULLIS
WARREN R. BULLER II
KENNETH B. CANETE
HERBERT E. CARMEN
FRANCIS X. CASTELLANO
WYATT N. CHIDESTER
HEDONG CHOI
JAMES L. CHRISTIE
ROBERT J. CLARK
VINCENT T. CLARK
KENNETH M. COLEMAN
CHRISTOPHER M. COGNATI
MICHAEL R. COUGHLIN
MARK A. CREASBY
DENNIS R. CREW
JEFFREY R. CRONIN
JAMES E. CROSLEY
GORDON A. CROSS
ROGER L. CURRY, JR.
JEFFREY J. CZERWKO
RICHARD J. DAVIS
RICHARD W. DEVINNEY II
NICHOLAS J. DIENNA
THOMAS G. DISY
THAD J. DOBBERT
CRAIG M. DORRANS
ALAN D. DORRBECKER
RICHARD J. DROMERHAUSER
MARK A. EDWARDS
CHRISTOPHER M. ENGDALH
ERIK O. ETZ
MATTHEW G. FLEMING
PETER G. GALLUCH
EDWARD M. GALVIN
JAMES R. GARNER
BRIAN M. GARRISON
DAVID T. GLENISTER
STEVEN A. GLOVER
GREGORY W. GOMBERT
BRIAN J. GOSZKOWICZ
DALE F. GREEN
JEFFREY M. GRIMES
WILLIAM F. GROTEWOLD
WILLIAM J. GUARINI, JR.
MARK D. HAMILTON
SAM R. HANCOCK, JR.
MARTIN H. HARDY
STEVEN M. HARRISON
CHRISTOPHER H. HEANEY
RICHARD B. HENCKE
RAYMOND J. HESSER
KYLE F. HIGGINS
LYLE E. HOAG
TERENCE A. HOEFT
BRIAN A. HOYT
MICHAEL P. HUCK
JEFFREY D. HUTCHINSON
BURCHARD C. JACKSON
TROY S. JACKSON
KRISTIN E. JACOBSEN
GLENNE R. JAMISON
CHARLES A. JOHNSON
STANLEY C. JONES
FREDERICK W. KACHER
MICHAEL I. KATAHARA
DAVID D. KINDLEY
JAMES A. KIRK
SCOTT L. KNAPP
KEITH A. KNUTSEN
TIMOTHY J. KOTT
JEFFREY R. KRUSLING

TRENTON S. LENNARD
KEVIN P. LENOX
GLEN S. LEVERETTE
ROBERT W. LYONNAIS
SHAWN P. MALONE
PETER M. MANTZ
WESLEY R. MCCALL
JEFFREY W. MCCAULEY
MICHAEL J. MCCLINTOCK
RICHARD C. MCCORMACK
RUSSELL S. MCCORMACK
DOUGLAS A. MCGOFF
KEVIN MCGOWAN
JOHN P. MCGRATH
WILLIAM C. MCKINNEY
BRENDAN R. MCLANE
MICHAEL M. MCMILLAN, JR.
JOHN V. MENONI
DAVID J. MERON
JAMES R. MIDKIFF
GERALD N. MIRANDA, JR.
TROY E. MONG
KEITH G. MOORE
MICHAEL R. MOORE
BRIAN C. MOUM
SCOTT W. MURDOCK
GERALD D. MURPHY
FRANK W. NAYLOR III
KENNETH A. NIEDERBERGER
DONALD A. NISBETT, JR.
NORBERTO M. D. NOBREGA
RICHARD F. OCONNELL
ROBERT R. OSTERHOUDT
MATTHEW D. OVIO
DAVID M. PADULA
ENRIQUE N. PANLILLO
ROBERT E. PAULEY
STEVEN PETROFF
JESSICA PFEFFERKORN
CHRISTOPHER T. PHILLIPS
CURTIS K. M. PHILLIPS
JOSEPH N. POLANIN
MATTHEW S. PREGMON
MARK A. PROKOPIAN
FRED I. PYLE
CARL S. REED
LEONARD E. REED
FERDINAND A. REID
BARON V. REINHOLD
CURT A. RENSHAW
TIMOTHY A. REXRODE
GARY J. RICHARD
MICHAEL B. RILEY
KEVIN M. ROBINSON
JON P. RODGERS
MALACHY D. SANDIE
GREGORY M. SANDWAY
CARLOS A. SARDIELLO
LOUIS J. SCHAGER, JR.
THEODORE H. SCHROEDER
TRAVIS C. SCHWEIZER
VINCENT W. SEGARS
GREGORY M. SHEAHAN
TODD M. SIDDALL
ANTHONY L. SIMMONS
COURTNEY B. SMITH
JOHN J. SNEGOWSKI
PAUL C. SPEDERO, JR.
TIMOTHY S. STEADMAN
LEIF E. STEINBAUGH
MICHAEL J. STEVENS
JAMES G. STONEMAN
STEPHEN R. TEDFORD
THOMAS R. TENNANT
JACK S. THOMAS
MARVIN E. THOMPSON
MONTE L. ULMER
MATTHEW R. VANDERSLUIS
MICHAEL S. VARNEY
PETER G. VASELY
DARRYL L. WALKER
DOUGLAS H. WALKER
HOWARD WANAMAKER
CARDEN F. WARNER
MARK W. WEISGERBER
ANDREW N. WESTERKOM
CRAIG M. WEVLEY
ERIC S. WIESE
GEORGE M. WIKOFF
RICHARD A. WILEY
CHRISTOPHER T. J. WILSON
HAROLD T. WORKMAN
GREGORY J. ZACHARSKI
JOHN M. ZUZICH

CONFIRMATIONS

Executive nominations confirmed by the Senate, May 26, 2011:

DEPARTMENT OF DEFENSE

JO ANN ROONEY, OF MASSACHUSETTS, TO BE PRINCIPAL DEPUTY UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DAVID L. GOLDFEIN

DEPARTMENT OF VETERANS AFFAIRS

ALLISON A. HICKEY, OF VIRGINIA, TO BE UNDER SECRETARY FOR BENEFITS OF THE DEPARTMENT OF VETERANS AFFAIRS.

STEVE L. MURO, OF CALIFORNIA, TO BE UNDER SECRETARY OF VETERANS AFFAIRS FOR MEMORIAL AFFAIRS.

DEPARTMENT OF JUSTICE

DENISE ELLEN O'DONNELL, OF NEW YORK, TO BE DIRECTOR OF THE BUREAU OF JUSTICE ASSISTANCE.

DEPARTMENT OF THE TREASURY

DANIEL L. GLASER, OF THE DISTRICT OF COLUMBIA, TO BE ASSISTANT SECRETARY FOR TERRORIST FINANCING, DEPARTMENT OF THE TREASURY.

EXPORT-IMPORT BANK OF THE UNITED STATES

WANDA FELTON, OF NEW YORK, TO BE FIRST VICE PRESIDENT OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2013.

SEAN ROBERT MULVANEY, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2015.

DEPARTMENT OF STATE

GEORGE ALBERT KROL, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF UZBEKISTAN.

DANIEL BENJAMIN SHAPIRO, OF ILLINOIS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ISRAEL.

HENRY S. ENSHER, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA.

STUART E. JONES, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE HASHEMITE KINGDOM OF JORDAN.

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

SIM FARAR, OF CALIFORNIA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2012.

WILLIAM J. HYBL, OF COLORADO, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2012.

NATIONAL SCIENCE FOUNDATION

CORA B. MARRETT, OF WISCONSIN, TO BE DEPUTY DIRECTOR OF THE NATIONAL SCIENCE FOUNDATION.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MARTHA WAGNER WEINBERG, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2016.

PAULA BARKER DUFFY, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2016.

CATHY N. DAVIDSON, OF NORTH CAROLINA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2016.

CONSTANCE M. CARROLL, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2016.

ALBERT J. BEVERIDGE III, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2016.

NATIONAL COUNCIL ON DISABILITY

CLYDE E. TERRY, OF NEW HAMPSHIRE, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2013.

JANICE LEHRER-STEIN, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2013.

UNITED STATES INSTITUTE OF PEACE

JUDITH A. ANSLEY, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 19, 2011.

JUDITH A. ANSLEY, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM OF FOUR YEARS.

JOHN A. LANCASTER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 19, 2011.

JOHN A. LANCASTER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM OF FOUR YEARS.

NATIONAL SECURITY EDUCATION BOARD

MICHAEL E. GUEST, OF SOUTH CAROLINA, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS.

ANA MARGARITA GUZMAN, OF TEXAS, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS.

CHRISTOPHER B. HOWARD, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. BROOKS L. BASH

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COL. DAVID E. DEPUTY

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be major general

BRIG. GEN. JAMES D. DEMERITT

BRIG. GEN. JOSEPH K. MARTIN, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL MARK A. ATKINSON
BRIGADIER GENERAL WILLIAM J. BENDER
BRIGADIER GENERAL BRIAN T. BISHOP
BRIGADIER GENERAL CHRISTOPHER C. BOGDAN
BRIGADIER GENERAL MICHAEL J. CAREY
BRIGADIER GENERAL JOHN B. COOPER
BRIGADIER GENERAL SAMUEL D. COX
BRIGADIER GENERAL BARBARA J. FAULKENBERRY
BRIGADIER GENERAL RUSSELL J. HANDY
BRIGADIER GENERAL MICHAEL A. KELTZ
BRIGADIER GENERAL STEVEN L. KWAST
BRIGADIER GENERAL FREDERICK H. MARTIN
BRIGADIER GENERAL THOMAS J. MASELLO
BRIGADIER GENERAL EARL D. MATTHEWS
BRIGADIER GENERAL ROBERT P. OTTO
BRIGADIER GENERAL JOHN W. RAYMOND
BRIGADIER GENERAL DARRYL L. ROBERSON
BRIGADIER GENERAL ANTHONY J. ROCK
BRIGADIER GENERAL JAY G. SANTEE
BRIGADIER GENERAL ROWAYNE A. SCHATZ, JR.
BRIGADIER GENERAL JOHN F. THOMPSON
BRIGADIER GENERAL THOMAS J. TRASK
BRIGADIER GENERAL JOSEPH S. WARD, JR.
BRIGADIER GENERAL JACK WEINSTEIN
BRIGADIER GENERAL ROBERT E. WHEELER
BRIGADIER GENERAL MARTIN WHELAN
BRIGADIER GENERAL STEPHEN W. WILSON
BRIGADIER GENERAL TOD D. WOLTERS
BRIGADIER GENERAL TIMOTHY M. ZADALIS

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. DAVID H. BUSS

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. DAVID J. BUCK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. GILMARY M. HOSTAGE III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MARK F. RAMSAY

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. MARK W. PALZER

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. GERALD E. LANG

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624 AND 306F:

To be brigadier general

COL. CHARLES R. BAILEY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. OMER C. TOOLEY, JR.

To be brigadier general

COL. BRIAN R. CARPENTER

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL CHARLES G. CHIAROTTI
COLONEL DAVID W. COFFMAN
COLONEL THOMAS A. GORRY
COLONEL PAUL J. KENNEDY
COLONEL JOAQUIN F. MALAVET
COLONEL NIEL E. NELSON
COLONEL LORETTA E. REYNOLDS
COLONEL RUSSELL A. SANBORN
COLONEL GEORGE W. SMITH, JR.
COLONEL CRAIG Q. TIMBERLAKE
COLONEL MARK R. WISE
COLONEL DANIEL D. YOO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RICHARD P. MILLS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. GEORGE J. FLYNN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOHN R. ALLEN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDER, MARINE FORCES RESERVE TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5144:

To be lieutenant general

MAJ. GEN. STEVEN A. HUMMER

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. KENDALL L. CARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. ROBERT S. HARWARD, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. MARK D. HARNITCHEK

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH MICHAEL D. DIETZ AND ENDING WITH DOREEN F. WILDER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH JAY O. AANRUD AND ENDING WITH SCOTT C. ZIPPWALD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 30, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH MATTHEW J. BRONK AND ENDING WITH JOY C. TABER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 2, 2011.

AIR FORCE NOMINATION OF PAUL L. DANDREA, TO BE MAJOR.

AIR FORCE NOMINATION OF JEFFREY A. BAILEY, TO BE COLONEL.

AIR FORCE NOMINATION OF JAMES A. MACE, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH BERNADETTE A. ANDERSON AND ENDING WITH DWAYNE B. WILHITE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 4, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH JEFFERY D. AEBISCHER AND ENDING WITH KURT V. WOYAK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 4, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH LA RITA S. ABEL AND ENDING WITH MICHAEL J. ZENK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 4, 2011.

AIR FORCE NOMINATION OF PETER J. AVALOS, TO BE MAJOR.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH KEITH W. ALPEIRI AND ENDING WITH DIANA TORRES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 2, 2011.

ARMY NOMINATIONS BEGINNING WITH MARK J. BERGLUND AND ENDING WITH MICHAEL S. SARVER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 2, 2011.

ARMY NOMINATION OF MICHAEL P. HARRY, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH JOSEPH L. AARON, JR. AND ENDING WITH JOSEPH V. ZULKEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 4, 2011.

ARMY NOMINATIONS BEGINNING WITH CHARLES M. ABEYAWARDENA AND ENDING WITH G001231, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2011.

ARMY NOMINATIONS BEGINNING WITH LISA M. ABEL AND ENDING WITH CODY L. ZACH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2011.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF ANGELLA M. LAWRENCE, TO BE MAJOR.

MARINE CORPS NOMINATION OF MICHAEL R. CIRILLO, TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATIONS BEGINNING WITH CARLTON W. ADAMS AND ENDING WITH WAYNE R. ZUBER, WHICH NOMINATIONS WERE RECEIVED BY THE

SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 2011.

IN THE NAVY

NAVY NOMINATION OF JAMES P. MCGRATH III, TO BE CAPTAIN.

NAVY NOMINATION OF STEVEN M. WECHSLER, TO BE CAPTAIN.

NAVY NOMINATION OF FERNANDO HARRIS, TO BE COMMANDER.

NAVY NOMINATION OF STEPHEN K. REVELAS, TO BE CAPTAIN.

NAVY NOMINATION OF BRADLEY S. HAWKSWORTH, TO BE COMMANDER.

NAVY NOMINATION OF DOUGLAS L. EDSON, TO BE CAPTAIN.

NAVY NOMINATION OF STEPHEN J. PARKS, TO BE COMMANDER.

NAVY NOMINATION OF HUNG CAO, TO BE COMMANDER.

NAVY NOMINATION OF TRACY T. SKIPTON, TO BE COMMANDER.

NAVY NOMINATION OF DAVID T. CARPENTER, TO BE CAPTAIN.

NAVY NOMINATION OF BRENT J. KYLER, TO BE CAPTAIN.

NAVY NOMINATION OF PETER W. WARD, TO BE COMMANDER.

NAVY NOMINATION OF PABLITO V. QUIATCHON, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF ROBERT H. BUCKINGHAM, TO BE CAPTAIN.

NAVY NOMINATION OF BRYAN F. BUTLER, TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH WILLIAM H. ALBERT AND ENDING WITH MICHAEL WITHERILL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 2, 2011.

NAVY NOMINATION OF VALERIE R. OVERSTREET, TO BE COMMANDER.

NAVY NOMINATIONS BEGINNING WITH NADESIA V. HENRY AND ENDING WITH JOHN A. SALVATO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 4, 2011.

NAVY NOMINATION OF THOMAS P. FANTES, TO BE CAPTAIN.

NAVY NOMINATION OF CYNTHIA E. WILKERSON, TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH DAVID T. CARPENTER AND ENDING WITH TIMOTHY M. CHEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 2011.

NAVY NOMINATION OF THOMAS P. FANTES, TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH ROBERT D. PAVEL AND ENDING WITH SHAUN C. SHILLADY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 2011.

NAVY NOMINATION OF KENDALL C. JONES, JR., TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF KIRK R. PARSLEY, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF CHRISTIAN F. JENSEN, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF JOSEPH M. HOLT, TO BE LIEUTENANT COMMANDER.

IN THE COAST GUARD

COAST GUARD NOMINATION OF WILLIAM G. DWYER, TO BE LIEUTENANT COMMANDER.

COAST GUARD NOMINATIONS BEGINNING WITH JESSICA L. BOHN AND ENDING WITH JEREMY A. WEISS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 8, 2011.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH CARMINE G. D'ALOISIO AND ENDING WITH JAMES F. SULLIVAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 4, 2011.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH PATRICIA M. AGUILO AND ENDING WITH MICHELLE ZJHRA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 6, 2011.

PUBLIC HEALTH SERVICE

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING WITH MANISHA PATEL AND ENDING WITH CHRISTOPHER M. SHEEHAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 2011.

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING WITH ALICE Y. GUH AND ENDING WITH UKEGBU J. UGOCHI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 2011. WITH THE FOLLOWING EXCEPTIONS: KENIA P. ALTAMIRANO, REBECCA M. KIBEL, TIMOTHY N. ONSERIO, JUSTIN R. PLOTT, AND BRANDY TORRES.

EXTENSIONS OF REMARKS

RECOGNIZING MAY AS NATIONAL CANCER RESEARCH MONTH

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 2011

Mr. HIGGINS. Mr. Speaker, I rise today in strong support for May as National Cancer Research Month. Cancer research is a vital part of our Nation's biomedical research enterprise, and this research both improves the quality of life of our Nation's citizens and generates new economic investment. Cancer research is vital to the community I serve in western New York, home to our country's first comprehensive cancer center, Roswell Park Cancer Institute.

The classic view of innovation is that government funds basic science while industry comes up with new and innovative products based on that science. To make this model work best, it requires a sustained commitment to cancer research at the National Institutes of Health and National Cancer Institute. When federal cancer research funding is cut or not sustained over the long term, we lose promising cancer research and talented cancer researchers. After doubling funding between the years 1998 and 2003, research funding has flat-lined, and it has decreased substantially if you take into account medical inflation.

By and large, our country's investment in innovation in biomedical research has worked well. Over the past 40 years, 153 new FDA approved drugs and vaccines have been discovered through research carried out at public institutions with federal funds. In the last 20 years alone, one out of every five important medical advances approved by the Food and Drug Administration was invented in a federally funded laboratory. Those inventions, which included 40 new drugs for cancer, are currently generating more than \$100 billion a year in sales for drug and biotechnology firms.

The only failure in research is when you quit or are forced to quit due to lack of funding. National Cancer Research Month provides us a reminder of those risks, and also the immense reward that arrives when promising research alleviates the suffering of cancer patients.

A CALL FOR TRANSPARENCY IN THE DEFENSE BUDGET

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 2011

Mr. KINGSTON. Mr. Speaker, I submit the following for the RECORD.

[From *Forbes Magazine*, Mar. 28, 2011]

WHAT'S THE REAL DEFENSE BUDGET?

(By Mallory Factor)

The new Congress won the election by promising to cut spending, and

unsurprisingly the defense budget is on the table for the first time in more than a decade.

Secretary of Defense Robert Gates recently announced \$78 billion in defense spending cuts over the next five years, including reductions in troop levels for the Army and Marine Corps. These types of cuts suggest that the military is working to become leaner and more efficient. Still, many Americans and congressmen are calling for deeper cuts.

Not counting the cost of the wars in Afghanistan and Iraq, the Defense budget is expected to be \$553 billion in 2012, up from \$549 billion in 2011. That outlay currently represents 19% of the entire federal budget and over 50% of U.S. discretionary spending; cutting it would go a long way toward reining in government spending. But before further slicing the military budget, Congress must reconsider the military's mission and what activities it should undertake.

The purpose of a large standing army is to provide for our national defense. In essence, the defense budget is an insurance policy that protects the U.S. against threats from other nations and groups. But in recent years a growing percentage of that budget has been spent on activities that don't involve traditional national defense. These include nation-building, policing foreign nations, humanitarian missions and ferrying executive- and legislative-branch leaders and their attendants around the globe. While these activities may be tangentially related to our standing in the world, they do not enhance our war-fighting capabilities; rather they relate more to the success of our foreign policy than to our national defense.

This increase in nondefense missions has been accompanied by a dramatic shift from war-fighting to nation-building. The official White House website now describes the function of the Department of Defense as to "protect national interests through war-fighting, providing humanitarian aid and performing peacekeeping and disaster relief services." Is war-fighting just one among the many functions we want our military to perform?

Rightly or wrongly, we give our military these various assignments because we don't want to pay someone else to do them, and other government entities currently can't. Yet just because our military can do these jobs doesn't mean that it should. Indeed, these assignments shift focus away from the military's core missions: keeping America safe and winning wars.

Right now it is difficult for Congress to determine how much money is spent on protecting the U.S. The "military" budget gives an exaggerated impression of the cost of our national defense. When Congress adds burdens to the military, direct costs like fuel, food and relief supplies may be calculated and expressed in the budget.

But these items are just a small part of these missions, and the larger costs get buried. These hidden costs include recruiting and training extra troops, purchasing and servicing additional equipment, additional layers of bureaucracy, and maintaining and enlarging bases, none of which are separated out in the budget as relating to nondefense missions.

The military's nondefense activities may or may not be warranted, but their total costs must be transparent. If Congress does

not consider these costs separately, traditional defense missions and essential equipment upgrades will be crowded out.

America is a compassionate nation and would surely engage in humanitarian activities even if their true costs were known. But why charge these costs to the defense budget and then hide them? Only by demanding that the military budget be limited to legitimate defense activities can Americans know how many dollars we are actually devoting to our national security.

Some military leaders have privately estimated that if these nondefense-related activities were eliminated or given a separate budget, defense spending could be substantially reduced and at the same time the military's war-fighting capabilities increased. Given this uncertainty, before any additional cuts are made to military spending, Congress must demand transparency with respect to the different roles of our military.

RECOGNIZING LIEUTENANT COLONEL GLENN SANDERS ON THE OCCASION OF HIS FAREWELL FROM THE HOUSE DIVISION OF THE ARMY OFFICE OF LEGISLATIVE LIAISON

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 2011

Mr. ISSA. Mr. Speaker, I rise today to recognize the honorable public service of Lieutenant Colonel Glenn Sanders as he leaves his post at the House Division of the Army Office of Legislative Liaison.

Lieutenant Colonel Sanders was commissioned as a Field Artillery Officer in the United States Army in 1990 at California State University, San Bernardino.

His first assignment was as a platoon leader in a Lance Missile Battery in Germany. His platoon performed one of the last Lance training missions in Europe prior to the nuclear missile system being decommissioned as part of nuclear weapons reductions agreements.

LtCol Sanders then served with the First Cavalry Division at Fort Hood, Texas. After reassignment to the Second Armored Cavalry Regiment in Fort Polk, Louisiana, he deployed to Haiti in support of Operation Uphold Democracy. His unit helped lay the groundwork for a return to democracy by ensuring security during several key elections.

Among his many duties, LtCol Sanders has also served as a Battalion Training Officer in the 420th Movement Control Battalion, an Assistant Professor of Military Science at North Dakota State University, and the Chief of the Mobilization Division at the Army's Training and Doctrine Command.

In 2009, LtCol Sanders served as a Congressional Fellow with the House Committee on Oversight and Government Reform. During this time I had the pleasure of working with him as he played a pivotal role in supporting

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the Committee staff on a broad range of national security related issues. Following his fellowship, LtCol Sanders has served as the Executive Officer in the Army House Liaison Division since January 2010.

LtCol Sanders holds a BA in Political Science from the University of California, Riverside, and a Masters in Public Administration from the California State University, Northridge. He is currently enrolled in the United States Army War College. LtCol Sanders and his wife Kari have been married for over twenty years with two daughters, Kira and Kelli.

It is an honor to recognize LtCol Sanders on the occasion of his farewell from the House Division of the Army Office of Legislative Liaison and his years spent in public service. Mr. Speaker, I ask you to please join me in recognizing LtCol Sander's dedicated service to the United States Army and the U.S. House of Representatives.

IN HONOR OF CHIEF JOSEPH C.
KOCAB

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Chief Joseph C. Kocab of the Brooklyn Heights Police Department and his well-deserved retirement. As an officer of the law, Chief Kocab has served the people of the greater Cleveland area with honor and professionalism for 31 years.

Chief Kocab is a lifelong resident of Brooklyn Heights and attended Cuyahoga Heights High School. He graduated from Kent State University with a major in law enforcement administration. While studying at Kent State, Chief Kocab met his wife Dianne; the two were married in 1979. They have two daughters and two grandchildren.

Chief Kocab was first appointed to the Brooklyn Heights Police Department on March 17, 1980. In 1985, he was promoted to sergeant and on June 1, 1999 made Chief of Police for the Brooklyn Heights Police Department. After completing a professional program, in 2004, Chief Kocab became a Certified Law Enforcement Executive. While serving as Chief of Police, he was an active member and would serve as a board member, Chaplain and president of the Cuyahoga County Police Chiefs Association. Chief Kocab was also a member of the Ohio Association of Chiefs of Police and acted as district representative, treasurer and president of the organization.

Throughout his career, Chief Kocab was instrumental in providing vital programs to the youth of Brooklyn Heights. He assisted in the creation of the Cuyahoga Heights Safety Town Program in 1982, and in 1988, was one of Ohio's first officers selected to participate in the Drug Abuse Resistance Education (DARE) Program. Additionally, in 1996, he was trained to teach the Gang Resistance Education and Training (GREAT) program. Chief Kocab taught the GREAT program and served as a DARE Officer in Cuyahoga Heights Schools until 1999. He is also an Ohio Peace Officers Training Commission Police Academy Instructor and teaches police cadets at the Cleveland

Heights Police Academy and Cuyahoga Community College.

As a result of his dedication to protecting and educating the citizens of Brooklyn Heights, Chief Kocab is a highly decorated officer. He is the recipient of multiple unit commendations as well as awards for meritorious service, distinguished service, and life saving. He has twice been named both the Mothers Against Drunk Driving officer of the year and Ohio Auto Theft Investigator's "Top Cop."

In addition to his career as a police officer, Chief Kocab is an active member of his community. Since 1976 he has been a member of the executive board of the Brooklyn Heights Men's Service Club. He is also a volunteer with the Cuyahoga Heights Schools and has been awarded with the PTA Life Member and Cuyahoga Heights Golden Apple Achievement awards.

Mr. Speaker and colleagues, please join me in honor of Chief Joseph C. Kocab for his exemplary service on behalf of his community. Chief Kocab has served and protected the people of Brooklyn Heights with courage for 31 years.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

SPEECH OF

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes:

Ms. BERKLEY. Madam Chair, I rise today in support of the Thompson/Berkley amendment.

This amendment would expand the DoD state licensure exception to allow health care professionals to practice across state borders—as long as they are qualified and practicing within regulations of their authorized federal duties. It would change the definition of these exempted health care professionals to include qualified civilians and contractors. However, nothing in this amendment is intended to change state-based scope of practice laws or regulations nor is it intended to be used as the basis for any future scope of practice changes through DoD regulations. This amendment also removes cumbersome location requirements, promoting increased use of tele-medicine, tele-healthcare services, and tele-behavioral health programs.

One of my long-standing goals in Congress has been to expand the availability of mental health services for our brave men and women in uniform. Increasing servicemembers' treatment options by eliminating outdated restrictions on well-qualified health care professionals is an important step toward meeting that goal. This amendment addresses the changing medical needs of America's men and women in uniform and reduces barriers to ensure full access to quality health care—regardless of their location. This amendment is based on H.R. 1832, the Portability (STEP) Act, which has the support of the Air Force

Association (AFA), American Servicemembers' Telemedicine & E-Health Legion, the Association of the United States Navy (AUSN), the Enlisted Association of the National Guard (EANGUS), Iraq and Afghanistan Veterans of America (IAVA), Mental Health America, Military Officers Association of America (MOAA), National Guard Association of the United States (NGAUS), Reserve Enlisted Association (REA), and Veterans of Foreign Wars (VFW).

This amendment addresses DoD's limited ability to allow its health care professionals to provide care when the patient is in a different state while adhering to DoD's current system of core and supplemental privileges for each respective specialty, ensuring high quality care and patient safety. It also unties the hands of the DoD when it comes to civilians or contractors who have stepped up to fill shortages in desperately needed positions—especially mental health. Many in the military will no longer have to travel long distances to get help, relieving financial burdens and stress. We must honor the dedication and sacrifice of our troops by making sure DoD has the resources and qualified treatment providers needed to care for our heroes in Nevada and across the nation. That includes even more assistance for our troops who are coping not only with physical injuries, but with the challenges of PTSD and other mental health issues we are still working to better understand. This amendment recommits us as a nation to honoring the service of America's military, modernizing DoD for the 21st Century and increasing the quality and convenience of support and services for our returning servicemembers.

I want to thank Representative THOMPSON for his dedication to this very important issue and I urge my colleagues to support our amendment.

CONGRATULATING ALDERMAN VI
DALEY

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 2011

Mr. QUIGLEY. Mr. Speaker, I rise today in recognition of Vi Daley, Alderman of Chicago's 43d Ward. After twelve years serving Lincoln Park and the Near North area, Alderman Daley retired this year.

Even before her election, Alderman Daley was extremely involved in the Lincoln Park community for nearly thirty-two years and brought many great improvements to it. She redeveloped the Cummings Playground across the street from the Lincoln Park Zoo, which is now the most frequently used park in the Chicago-land area. She also worked with schools and residents of the 43d Ward to promote more participation in local school activities and create early childhood education programs.

Alderman Daley also focused on improving communication between the residents and city council representatives. She provided better street-cleaning schedules and pedestrian friendly streets. Alderman Daley voted to keep her residents safe, such as restricting petitioners from harassing women who enter family planning clinics in Chicago. She also promoted preservation of unique and old buildings within the 43d Ward.

Mr. Speaker, Alderman Vi Daley has brought great improvements and wise decisions to the city of Chicago and the 43d Ward. I would like to commend and thank Alderman Daley for her hard work and concern for the residents of her Ward. I wish her well in her retirement as she spends time with her husband Vince and two daughters Kathleen and Colleen.

A BRUTAL CRACKDOWN AGAINST
IRAN'S BAHAI'S

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 2011

Mr. WOLF. Mr. Speaker, I would like to bring to my colleagues' attention some extremely disturbing news coming out of Iran. Just this past weekend, a coordinated series of raids have been carried out on the homes of several Iranian Baha'is. An estimated 14 Baha'is have been arrested thus far.

According to a representative of the Baha'i International Community to the United Nations in Geneva, "All of the targets were homes of individuals closely involved with the operations of the Baha'i Institute for Higher Education." This institution was created to provide young Baha'is an opportunity to pursue higher education after being systematically denied access to higher learning institutions by the Iranian government.

These attacks—and Iran's general policy of suppressing religious freedom—are unacceptable and must stop. The U.S. and the international community must vigorously speak out against these acts of injustice facing the nearly 300,000 Baha'is living in Iran today—a community which, according to the recently published report of the U.S. Commission on International Religious Freedom, "has long been subject to particularly severe religious violations in Iran."

We must not allow such atrocities to continue unnoticed.

TRIBUTE TO RONALD SHUGART
BARBRE

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 2011

Mr. CALVERT. Mr. Speaker, I rise today to recognize and honor a constituent and patriot, Ronald Shugart Barbre who passed away peacefully at his home on May 15, 2011 after a brave battle with cancer. He was 76 years old.

Ron was born December 20, 1934 at Queen of Angels Hospital in Los Angeles. His father, Thomas Russell Barbre, was the 39th captain in the history of the Los Angeles County Fire Department and his mother, Sarah Shugart Barbre, was a homemaker. He grew up in the Athens District of Los Angeles and graduated from Washington High School.

He attended the University of Southern California (USC) on a naval ROTC scholarship and graduated with a degree in International Relations. Even though she was a graduate of cross town rival UCLA, he married the love of

his life, Nancy on June 23, 1957 while on active naval duty. They initially lived in Bremerton, WA while he finished his active duty, and upon honorable discharge, moved to Balboa Island before settling in Fullerton, CA. In 1969, Ron and Nancy moved to the new community of Yorba Linda, CA where they raised their family and were active members of Rose Drive Friends Church.

After his active duty military service, he earned his MBA from USC and embarked upon a successful sales career in the publishing business. He carried the first issue of Electronic Component News (ECN) and helped develop this publication in the burgeoning electronics industry for Chilton Publishing. By the time he retired in 1998, he had risen to the role of regional vice president for Chilton-ABC Publishing.

Ron helped form the Orange County chapter of the Business and Professional Advertising Association (BPAA) where he annually organized the annual tennis tournament. He became a Certified Business Communicator (CBC) through the organization and assisted countless students interested in the advertising and publishing business. He also became known as "Mr. Closer" and developed the art of the "power lunch".

Ron led a very active life as a competitive tennis player and indefatigable hiker & biker. He was an avid reader who loved history and biographies, and was always a faithful and active member of his church.

Following the loss of his first wife, Nancy, to cancer in 1993, he moved from the hills of Yorba Linda to the coastal community of San Clemente where he married his second wife, Joyce. His dream retirement was one in which he could play as much tennis as he wished, ride his bike in flat areas, and walk on the beach every day. With Joyce, Ron joined the San Clemente Presbyterian Church where they each found a new life together.

In retirement he spent time volunteering at the San Diego Air & Space Museum, as a docent at the Ocean Institute in Dana Point, and travelling the world with Joyce and many friends. He also consistently spent time with his family on both coasts and with Joyce's family of 4 children and 9 grandchildren.

Ron is survived by his wife Joyce of San Clemente; son Brian (Birgit) of Gloucester, MA; his son Brett (Jean) of Yorba Linda; his grandson Daniel of Gloucester, MA; his sister Josephine Cullen of Rolling Hills Estates; his sister Jeanette Pickering of Ventura; numerous cousins, nieces, nephews, step-children & step-grandchildren, and friends and colleagues coast to coast. He was predeceased by his first wife Nancy, his parents Tom Sr. and Sarah; his sister June Wagner and his brothers Tom Barbre, Jr. and Robert Shugart.

A memorial service celebrating Ron's extraordinary life will be held in June. Ron will always be remembered for his incredible work ethic, generosity, athleticism, and love of family. His dedication to his family and community are a testament to a life lived well and a legacy that will continue. I extend my condolences to Ron's family and friends; although Ron may be gone, the light and goodness he brought to the world remain and will never be forgotten.

TRIBUTE TO MARINE PRIVATE
FIRST CLASS TED DENNIS BRITT

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 2011

Mr. LEWIS of Georgia. Mr. Speaker, I rise to honor and commemorate Marine Private First Class Ted Dennis Britt, who gave his life at Khe Sanh, on March 30th, 1968.

Ted grew up in my district; in Decatur, Georgia. He was born into a military family—His father was a Navy veteran of two wars, and his brother served in Afghanistan as a Brigadier General in the Georgia Army National Guard. Ted grew up playing baseball and joined the Marine Corps not long after graduating from Southwest Dekalb High School in 1967. It's hard to believe that he was already engaged to be married when he enlisted at only 18 years of age.

Mr. Speaker, in 1968, PFC Ted D. Britt, was one of many Marines serving in harm's way. Far from home, his family, and from everything he knew, Ted served gallantly and gave everything. Our country can never repay our debt to him or his family, but I wish to join with his friends and family in spirit, as they honor and remember him this week.

Mr. Speaker, as you would imagine, our military has already posthumously awarded PFC Britt the appropriate medals and ribbons for his bravery under fire. But I wish to add my voice to their chorus. I wish to help ensure that Ted's sacrifice is not lost to history—but remembered, honored and understood. I never knew Ted Britt, but his selflessness is what I will never forget.

To this young man's family, and to those who called him friend, I offer my thoughts and prayers. May God bless them and keep them in their moment of remembrance.

IN HONOR OF SENATOR JOHN
GLENN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 2011

Mr. KUCINICH. Mr. Speaker, I rise today to honor soldier, pilot, astronaut, and former U.S. Senator, John Glenn. His dedication to Ohio and the country has inspired the Great Lakes Science Center to honor him at their Reach for the Stars Benefit.

John Glenn was born in Cambridge, Ohio in 1921. He attended Muskingum College, where he earned his pilot's license. Before he had the chance to graduate, the United States entered the Second World War. He enlisted as a U.S. Navy aviation cadet in 1942 and was reassigned to the Marine Corps in 1943. During World War II, he flew 59 missions in the South Pacific and he flew 90 combat missions in the Korean War. In the late 1950s, he returned to the United States and served as a test pilot, and completed the first supersonic transnational flight in 1957.

In 1959, Glenn was assigned to NASA, and on February 20, 1962 he became the fifth person in space and the first American to orbit the earth. This marked only one aspect of his illustrious career at NASA, which honored him

with the NASA Distinguished Service Medal. Three decades later, in 1998, John Glenn became the oldest person to ever go into space, at the age of 77, in order for NASA to study the effects of space travel on seniors.

John Glenn also served as U.S. Senator from 1974 until 1999. He served as chair of the Committee on Government Affairs, sat on the Foreign Affairs and Armed Services committees, and was the chief author of the 1978 Nonproliferation Act. His exemplary public service was recognized by the Woodrow Wilson International Center for Scholars, which awarded him the Woodrow Wilson Award for Public Service in 2004. He has also received the Congressional Space Medal of Honor and the Congressional Gold Medal. In 1998 he founded The Ohio State University's John Glenn Institute for Public Service and Public Policy, now known as the John Glenn School of Public Affairs.

Mr. Speaker and colleagues, please join me in honor and recognition of a national hero, John Glenn. His dedication to education and country serve as an inspiration to us all.

CONGRATULATING ALDERMAN
HELEN SHILLER

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 2011

Mr. QUIGLEY. Mr. Speaker, I rise today in recognition of Helen Shiller, Alderman of Chicago's 46th Ward. After 24 years of hard work and great service, she has decided to retire.

As Alderman, Helen was very responsive to the community she represented and worked continually to improve life in the 46th Ward. She introduced recycling programs to residential and commercial high-rises, helped foster economic and job growth, assisted senior citizens by placing CTA shelters near their buildings and simplified the application process for senior sewer rebates. She strived to make Chicago an easier place to live by creating affordable housing programs.

Alderman Shiller welcomed the diversity that makes up the 46th Ward and worked hard to make sure all aspects of her constituency were represented in City Council. In 1990, she passed an anti-apartheid ordinance and in 1992, tripled the City's funding budget for those living with HIV/AIDS. Alderman Shiller believed the best way to govern was to listen, and by doing so she was able to fairly represent her residents.

Mr. Speaker, it is a privilege to recognize Alderman Helen Shiller for her 24 years of dedicated service to the 46th Ward of Chicago. I thank Alderman Shiller and wish her luck on all her future endeavors.

HONORING LEROY EDWARD HART
OF NAPA COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 2011

Mr. THOMPSON of California. Mr. Speaker, I rise today in recognition of community member Lee Hart, for his outstanding work in Napa County, California.

Mr. Hart was born in San Francisco in 1940 and moved to Yountville at the age of 3. He is the great-grandson of a Yountville pioneer, Mr. Mathias Van de Leur, who was a Napa County Supervisor and a mason who built the St. Helena Catholic Church, several stone bridges and the Manor House at Stag's Leap Winery.

Lee Hart has been on the Board of the Yountville Cemetery Association for 46 years and has been the President and proven leader since 1967. His love of Napa moved him to shift careers, from the banking world to serving as a police officer with the Napa Police Department, from where he retired after 26 years of service. Mr. Hart was recognized as "Police Officer of the Year;" he also taught self-defense at the Napa Valley College, and was an instructor for the Napa Police Academy. After retiring from the police force, he was a Marshall for the Napa Sheriff's Department for another 10 years.

Mr. Hart has been a lifelong member of Toastmasters, Ducks Unlimited, the California Waterfowl Association, and is the founding member of the George Yount Mountainmen organization. He has been known to participate in the Yountville Parade and dress as George Yount. Mr. Hart has been involved in martial arts since 1964, and is a 9th Degree Black Belt, having won several competitions with gold, silver and bronze medals.

"Anything done in moderation is boring," is one of Mr. Hart's favorite sayings and he can always be found sharing a good story and showcasing his duck decoy collection. Mr. Hart is fortunate to be surrounded by a large circle of loving family and life-long friends. He married Chrissy Hart in 1991. He has three children: Elizabeth, Victoria and Leroy-Mathias, and 10 grandchildren.

Mr. Speaker, it is appropriate at this time that we acknowledge Leroy Edward Hart for his decades of devoted service to the Napa Valley community on this Memorial Day.

CONGRATULATIONS TO
AZERBAIJAN

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 2011

Ms. WOOLSEY. Mr. Speaker, in October, 2011, Azerbaijan will celebrate 20 years of independence as a democratic republic, since the collapse of the Soviet Union in 1991. However, Azerbaijan's desire for independence dates back much further to the collapse of Imperial Russia in 1918. On May 28, 2011, Azerbaijan will be celebrating the 93rd anniversary of the establishment of the Azerbaijan Democratic Republic, the first Muslim democracy. Azerbaijan also gave women the right to vote in 1918, over 2 years before the ratification of the 19th Amendment to the United States Constitution made women's suffrage a reality in our country.

Unfortunately, Azerbaijan's independence was short-lived, and was snuffed out by the Bolshevik Revolution and the crushing takeover by Soviet Russia. Many Azerbaijanis lost their lives in 1920, trying to keep their independence alive. After years of living under Soviet rule, in 1991, Azerbaijan regained its independence following the collapse of the Soviet Union.

Azerbaijan is a secular, modern, Muslim, country, which practices broad religious tolerance. Religion does not play any role in the Government. The capital city of Baku has five Jewish synagogues and Christian churches abound. The country has a close relationship with Israel. Azerbaijani teams, this year, flew to Israel and helped the Israelis fight large wildfires. State visits, back and forth between the two countries, are common. They are strong trading partners.

Azerbaijan is a strong ally of the United States in a very important and very uncertain region of the world with Russia to the north and Iran to the south. Yet, not only is Azerbaijan stable, politically and economically, it was also the first Muslim nation to offer troops to support the United States in the wars in Afghanistan and Iraq. Air fields in Azerbaijan continue to provide logistics support for American troops in both theatres.

Mr. Speaker, I commend Azerbaijan as it moves forward on the path to democracy and thank them for their strong support of the United States. My congratulations to the people of Azerbaijan on the anniversary of Republic Day, which symbolizes the universal quest for freedom and democracy.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

SPEECH OF

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes:

Mr. BERMAN. Mr. Chair, I rise in support of the amendment to strike section 1034 from the bill. Let's be clear what we are debating here today: the bill before us would amend the authorization for the use of military force (AUMF) that Congress passed in the wake of the 9/11 attacks—not just reaffirm the existing authorization.

As a threshold matter, I question the premise for this amendment. Proponents argue that Congress needs to act now lest a court change its interpretation of the AUMF. Proponents also argue that the President has been hamstrung in his ability to detain and target groups linked to al Qaeda, like al Qaida in the Peninsula (AQAP).

Yet Defense Department General Counsel Jeh Johnson made clear in public testimony that DoD has all the authority it needs to fight terror. And I've seen no evidence that the Administration feels any restraints on its ability to target threats like AQAP. In fact, the White House stated yesterday it "strongly objects" to section 1034. If the Administration, which stands to benefit most from the proposed amendment to the AUMF, is arguing against it, I have serious doubts we should proceed.

I support efforts to update the AUMF of 2001. The AUMF should reflect the diffuse terrorist threat faced by the US today and clarify that the President has the authority to target

groups closely linked to al Qaeda and the Taliban that came into being after 9/11 and that pose a direct threat to the United States. We should also update it as a matter of congressional prerogative. Congress should take ownership of the AUMF rather than let the courts and the Executive interpret the 2001 legislation unilaterally.

At some point, congressional failure to update the AUMF could force the President to rely on his Article II authority to target entities increasingly removed from 9/11.

But this provision in the NDAA is no way to do it.

Sec. 1034 was advanced with no hearings in the Foreign Affairs Committee—the principal

committee of jurisdiction—and with only a passing mention in an Armed Services Committee hearing.

There's been no floor debate beyond this amendment, and no opportunity for the Administration or outside experts to weigh in.

Daily Digest

HIGHLIGHTS

Senate agreed to the motion to concur in the amendment of the House of Representatives to S. 990, Small Business Additional Temporary Extension Act, with an amendment.

The House passed H.R. 1540, National Defense Authorization Act for Fiscal Year 2012.

Senate

Chamber Action

Routine Proceedings, pages S3367–S3469

Measures Introduced: Sixty-two bills and six resolutions were introduced, as follows: S. 1081–1142, S.J. Res. 17, and S. Res. 200–204. **Pages S3426–28**

Measures Reported:

S. 968, to prevent online threats to economic creativity and theft of intellectual property, with an amendment in the nature of a substitute. **Page S3426**

Measures Passed:

Small Business Act and the Small Business Investment Act: Senate passed S. 1082, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958. **Page S3372**

Intelligence Authorization Act for Fiscal Year 2011: Senate passed H.R. 754, to authorize appropriations for fiscal year 2011 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System. **Page S3458**

Faster FOIA Act: Senate passed S. 627, to establish the Commission on Freedom of Information Act Processing Delays, after agreeing to the committee amendments. **Pages S3458–60**

Honoring the Memory of the Jewish Chaplains: Committee on Veterans' Affairs was discharged from further consideration of S. Con. Res. 4, expressing the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United

States, and the resolution was then agreed to, after agreeing to the following amendment proposed thereto: **Pages S3460–61**

Klobuchar (for Murray) Amendment No. 388, to express the sense of Congress on the establishment of an advisory commission on memorials at Arlington National Cemetery and facilitate evaluation and approval of future monuments and memorials at the cemetery. **Pages S3460–61**

National Cancer Research Month: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of S. Res. 172, recognizing the importance of cancer research and the contributions made by scientists and clinicians across the United States who are dedicated to finding a cure for cancer, and designating May 2011, as "National Cancer Research Month", and the resolution was then agreed to. **Page S3461**

National Foster Care Month: Senate agreed to S. Res. 203, recognizing "National Foster Care Month" as an opportunity to raise awareness about the challenges of children in the foster care system, and encouraging Congress to implement policy to improve the lives of children in the foster care system. **Page S3462**

National Hunger Awareness Day: Senate agreed to S. Res. 204, designating June 7, 2011, as "National Hunger Awareness Day". **Pages S3462–63**

House Messages:

Small Business Additional Temporary Extension Act: By 72 yeas to 23 nays (Vote No. 84), Senate agreed to the motion to concur in the amendment of the House of Representatives to S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business

Investment Act of 1958, with Reid Amendment No. 347, of a perfecting nature, after taking action on the following motions and amendments proposed thereto:

Pages S3367–72, S3372–S3402

Withdrawn:

Paul Amendment No. 363 (to Reid Amendment No. 347), to clarify that the authority to obtain information under the USA PATRIOT Act and subsequent reauthorizations does not include authority to obtain certain firearm records. (By 85 yeas to 10 nays (Vote No. 82), Senate tabled the amendment.) (A unanimous-consent agreement was reached providing that the motion to table the amendment, having failed to achieve 60 votes in opposition, the amendment be withdrawn).

Pages S3400–01

Paul Amendment No. 365 (to Reid Amendment No. 347), to limit suspicious activity reporting requirements to requests from law enforcement agencies. (By 91 yeas to 4 nays (Vote No. 83), Senate tabled the amendment.) (A unanimous-consent agreement was reached providing that the motion to table the amendment, having failed to achieve 60 votes in opposition, the amendment be withdrawn).

Pages S3400–01

Reid Amendment No. 348 (to Amendment No. 347), to change the enactment date.

Page S3401

During consideration of this measure today, Senate also took the following action:

By 79 yeas to 18 nays (Vote No. 81), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the motion to concur in the amendment of the House to the bill, with Reid Amendment No. 347, (listed above).

Page S3368

Reid motion to refer the message of the House on the bill to the Committee on Small Business and Entrepreneurship with instructions, Reid Amendment No. 349, to change the enactment date, fell when cloture was invoked on the motion to concur in the amendment of the House to the bill, with Reid Amendment No. 347.

Page S3368

Reid Amendment No. 350 (to (the instructions) Amendment No. 349), of a perfecting nature, fell when the Reid motion to refer the message of the House on the bill to the Committee on Small Business and Entrepreneurship with instructions, Reid Amendment No. 349 fell.

Page S3368

Reid Amendment No. 351 (to Amendment No. 350), of a perfecting nature, fell when Reid Amendment No. 350 (to (the instructions) Amendment No. 349) fell.

Page S3368

Appointments:

National Commission for the Review of the Research and Development Programs of the United States Intelligence Community: The Chair, on be-

half of the Republican Leader, after consultation with the Chairman of the Select Committee on Intelligence of the Senate, and pursuant to the provisions of Public Law 107–306, as amended by Public Law 111–259, announced the appointment of the following individual to serve as a member of the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community:

John H. Young of Virginia.

Page S3463

Congressional-Executive Commission on the People's Republic of China: The Chair, on behalf of the President of the Senate, and after consultation with the Republican Leader, pursuant to Public Law 106–286, appointed the following Members to serve on the Congressional-Executive Commission on the People's Republic of China:

Senator Collins, and

Senator Risch.

Authorizing Leadership to Make Appointments—Agreement: A unanimous-consent agreement was reached providing that from Friday, May 27, 2011 through Friday, June 3, 2011, the President of the Senate, the President Pro Tempore, and the Majority and Minority Leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

Page S3463

Signing Authority—Agreement: A unanimous-consent agreement was reached providing that from Thursday, May 26, 2011 through Friday, June 3, 2011, the Majority Leader, Senator Klobuchar and Senator Webb be authorized to sign duly enrolled bills or joint resolutions.

Page S3463

Pro-Forma Sessions—Agreement: A unanimous-consent agreement was reached providing that when the Senate adjourns on Friday, May 27, 2011, it stand adjourned until 10 a.m. on Tuesday, May 31, 2011, for a pro-forma session only with no business conducted; that when the Senate adjourns on Tuesday, May 31, 2011, it stand adjourned until 10:30 a.m., on Friday, June 3, 2011, for a pro forma session with no business conducted.

Page S3465

Verrilli, Jr. Nomination—Agreement: Senate began consideration of the nomination of Donald B. Verrilli, Jr., of the District of Columbia, to be Solicitor General of the United States.

Pages S3457–58

A motion was entered to close further debate on the nomination and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Thursday, May 26, 2011, a vote on

cloture will occur at approximately 5:30 p.m. on Monday, June 6, 2011. **Page S3458**

A unanimous-consent-time agreement was reached providing that Senate resume consideration of the nomination at 4:30 p.m., on Monday, June 6, 2011; that there be one hour for debate equally divided and in the usual form prior to the cloture vote.

Page S3458

Nominations Confirmed: Senate confirmed the following nominations:

Denise Ellen O'Donnell, of New York, to be Director of the Bureau of Justice Assistance.

Jo Ann Rooney, of Massachusetts, to be Principal Deputy Under Secretary of Defense for Personnel and Readiness.

Allison A. Hickey, of Virginia, to be Under Secretary for Benefits of the Department of Veterans Affairs.

Martha Wagner Weinberg, of Massachusetts, to be a Member of the National Council on the Humanities for a term expiring January 26, 2016.

Clyde E. Terry, of New Hampshire, to be a Member of the National Council on Disability for a term expiring September 17, 2013.

Cora B. Marrett, of Wisconsin, to be Deputy Director of the National Science Foundation.

Janice Lehrer-Stein, of California, to be a Member of the National Council on Disability for a term expiring September 17, 2013.

Paula Barker Duffy, of Illinois, to be a Member of the National Council on the Humanities for a term expiring January 26, 2016.

Cathy N. Davidson, of North Carolina, to be a Member of the National Council on the Humanities for a term expiring January 26, 2016.

Constance M. Carroll, of California, to be a Member of the National Council on the Humanities for a term expiring January 26, 2016.

Albert J. Beveridge III, of the District of Columbia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2016.

Steve L. Muro, of California, to be Under Secretary of Veterans Affairs for Memorial Affairs.

George Albert Krol, of New Jersey, to be Ambassador to the Republic of Uzbekistan.

John A. Lancaster, of New York, to be a Member of the Board of Directors of the United States Institute of Peace for the remainder of the term expiring September 19, 2011.

John A. Lancaster, of New York, to be a Member of the Board of Directors of the United States Institute of Peace for a term of four years.

Judith A. Ansley, of Massachusetts, to be a Member of the Board of Directors of the United States Institute of Peace for the remainder of the term expiring September 19, 2011.

Judith A. Ansley, of Massachusetts, to be a Member of the Board of Directors of the United States Institute of Peace for a term of four years.

Michael E. Guest, of South Carolina, to be a Member of the National Security Education Board for a term of four years.

Ana Margarita Guzman, of Texas, to be a Member of the National Security Education Board for a term of four years.

Sim Farar, of California, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2012.

William J. Hybl, of Colorado, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2012.

Daniel L. Glaser, of the District of Columbia, to be Assistant Secretary for Terrorist Financing, Department of the Treasury.

Christopher B. Howard, of Virginia, to be a Member of the National Security Education Board for a term of four years.

Daniel Benjamin Shapiro, of Illinois, to be Ambassador to Israel.

Henry S. Ensher, of California, to be Ambassador to the People's Democratic Republic of Algeria.

Wanda Felton, of New York, to be First Vice President of the Export-Import Bank of the United States for a term expiring January 20, 2013.

Sean Robert Mulvaney, of Illinois, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2015.

Stuart E. Jones, of Virginia, to be Ambassador to the Hashemite Kingdom of Jordan.

37 Air Force nominations in the rank of general.
5 Army nominations in the rank of general.

16 Marine Corps nominations in the rank of general.

4 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Coast Guard, Foreign Service, Marine Corps, Navy, and Public Health Service. **Pages S3463-65, S3466-69**

Nominations Received: Senate received the following nominations:

Leon E. Panetta, of California, to be Secretary of Defense.

Kathleen Kerrigan, of Massachusetts, to be a Judge of the United States Tax Court for the term of fifteen years.

Albert F. Lauber, of the District of Columbia, to be a Judge of the United States Tax Court for the term of fifteen years.

Arnold F. Stancell, of Connecticut, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2014.

Ronald David McCray, of Texas, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring September 25, 2012.

Ronald David McCray, of Texas, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring September 25, 2016.

David H. Petraeus, of New Hampshire, to be Director of the Central Intelligence Agency.

1 Air Force nomination in the rank of general.

Routine lists in the Navy. **Page S3466**

Messages from the House: **Page S3425**

Measures Referred: **Page S3425**

Measures Read the First Time: **Pages S3425, S3463**

Executive Communications: **Pages S3425–26**

Executive Reports of Committees: **Page S3426**

Additional Cosponsors: **Pages S3428–30**

Statements on Introduced Bills/Resolutions: **Pages S3430–54**

Additional Statements: **Pages S3420–25**

Amendments Submitted: **Pages S3455–57**

Authorities for Committees to Meet: **Page S3457**

Privileges of the Floor: **Page S3457**

Record Votes: Four record votes were taken today. (Total—84) **Pages S3368, S3401**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 8:30 p.m., until 9:30 a.m. on Friday, May 27, 2011. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S3465.)

Committee Meetings

(Committees not listed did not meet)

AMERICAN AGRICULTURE AND THE NEXT FARM BILL

Committee on Agriculture, Nutrition, and Forestry: Committee concluded a hearing to examine the role, risks, and challenges for American agriculture and the next farm bill in meeting the demands of a growing world, after receiving testimony from Thomas J. Vilsack, Secretary of Agriculture; Dan Glickman, The Chicago Council on Global Affairs’ Global Agricultural Development Initiative, Washington, D.C.; Barry A. Mumby, Wakeshma Farms LLC, Colon, Michigan; Andrew A. Rosenberg, Conservation International, Alexandria, Virginia; Doug DeVries, Deere and Company, Moline, Illinois; and Per Pinstrup-Andersen, Cornell University, Ithaca, New York.

APPROPRIATIONS: UNITED STATES CENTRAL COMMAND AND UNITED STATES AFRICA COMMAND

Committee on Appropriations: Subcommittee on Department of Defense met in closed session to receive a briefing on proposed budget estimates for fiscal year 2012 for United States Central Command and United States Africa Command from James N. Mattis, USMC, Commander, U.S. Central Command, and Carter F. Ham, USA, Commander, U.S. Africa Command, both of the Department of Defense.

BUSINESS MEETING

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported the nomination of Timothy G. Massad, of Connecticut, to be an Assistant Secretary of the Treasury.

HOUSING FINANCE SYSTEM

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine public proposals for the future of the housing finance system, after receiving testimony from Terri Ludwig, Enterprise Community Partners, New York, New York; Ron Phipps, National Association of Realtors, Warwick, Rhode Island; Mark J. Parrell, National Multi Housing Council and the National Apartment Association, and Greg Heerde, Aon Benfield, both of Chicago, Illinois; Martin S. Hughes, Redwood Trust, Inc., San Rafael, California; and Barry Rutenberg, National Association of Home Builders, Gainesville, Florida.

BUSINESS MEETING

Committee on Energy and Natural Resources: Committee ordered favorably reported the following business items:

S. 630, to promote marine and hydrokinetic renewable energy research and development, with amendments;

An original bill to provide for the conduct of an analysis of the impact of energy development and production on the water resources of the United States, and for other purposes;

An original bill to amend the Federal Power Act to protect the bulk-power system and electric infrastructure critical to the defense of the United States against cybersecurity and other threats and vulnerabilities;

S. 699, to authorize the Secretary of Energy to carry out a program to demonstrate the commercial application of integrated systems for long-term geological storage of carbon dioxide, with amendments; and

S. 757, to provide incentives to encourage the development and implementation of technology to capture carbon dioxide from dilute sources on a significant scale using direct air capture technologies, with amendments.

UNITED STATES-KOREA FREE TRADE AGREEMENT

Committee on Finance: Committee concluded a hearing to examine the United States-Korea Free Trade Agreement, after receiving testimony from Demetrios Marantis, Deputy United States Trade Representative; Errol Rice, Montana Stockgrowers Association Inc., Helena; Thea Mei Lee, American Federation of Labor and Congress of Industrial Organizations, Washington, D.C.; and Timothy E. Guertin, Varian Medical Systems, Inc., Palo Alto, California.

NOMINATION

Committee on Foreign Relations: Committee concluded a hearing to examine the nomination of Gary Locke, of Washington, to be Ambassador to the People's Republic of China, Department of State, after the nominee testified and answered questions in his own behalf.

BUSINESS MEETING

Committee on Homeland Security and Governmental Affairs: Committee ordered favorably reported S. 792, to authorize the waiver of certain debts relating to assistance provided to individuals and households since 2005, with an amendment in the nature of a substitute.

NATIVE LANGUAGE AND CULTURE-BASED EDUCATION

Committee on Indian Affairs: Committee concluded an oversight hearing to examine expanding the success of native language and culture-based education, after receiving testimony from Namaka Rawlins, 'Aha Punana Leo, Inc. and Hawaiian Language College, Hilo, Hawaii; Larry C. Lasley Sr., Meskwaki Settlement School Board, Tama, Iowa; Alvin N. Parker, Ka Waihona o ka Na'auao Public Charter School, Waianae, Hawaii; Kevin Shendo, Pueblo of Jemez Department of Education, Jemez Pueblo, New Mex-

ico; Jana Harcharek, North Slope Borough School District, Barrow, Alaska; David Beaulieu, University of Wisconsin-Milwaukee Electa Quinney Institute for American Indian Education; and Shawn Kanaiaupuni, Kamehameha Schools, Honolulu, Hawaii.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. 968, to prevent online threats to economic creativity and theft of intellectual property, with an amendment in the nature of a substitute; and

The nominations of John Andrew Ross, to be United States District Judge for the Eastern District of Missouri, Timothy M. Cain, to be United States District Judge for the District of South Carolina, Nannette Jolivette Brown, to be United States District Judge for the Eastern District of Louisiana, Nancy Torresen, to be United States District Judge for the District of Maine, and William Francis Kuntz, II, to be United States District Judge for the Eastern District of New York.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

OLDER AMERICANS ACT

Special Committee on Aging: Committee concluded a hearing to examine meals, rides, and caregivers, focusing on the "Older Americans Act", after receiving testimony from Kathy Greenlee, Assistant Secretary of Health and Human Services for Aging; Former First Lady Rosalynn Carter, Georgia Southwestern State University Rosalynn Carter Institute for Caregiving, Americus; Heather A. Bruemmer, State of Wisconsin Board on Aging and Long Term Care, Madison; Max Richtman, Leadership Council of Aging Organizations (LCAO), Washington, D.C.; Timothy A. Howell, Senior Citizens Home Assistance Service, Inc., Knoxville, Tennessee; and Elizabeth N. Marshall, York, Pennsylvania.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 55 public bills, H.R. 2000–2054; and 7 resolutions, H.J. Res. 66; H. Con. Res. 56; and H. Res. 280, 282–285 were introduced. **Pages H3753–56**

Additional Cosponsors: **Pages H3758–59**

Reports Filed: Reports were filed today as follows:

H.R. 1425, to reauthorize and improve the SBIR and STTR programs, and for other purposes, with an amendment (Rept. 112–90 Pt. 1);

H.R. 2017, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes (H. Rept. 112–91); and

H. Res. 281, providing for consideration of the Senate amendment to the House amendment to the bill (S. 990) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes (H. Rept. 112–92). **Page H3753**

National Defense Authorization Act for Fiscal Year 2012: The House passed H.R. 1540, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction and to prescribe military personnel strengths for fiscal year 2012, by a recorded vote of 322 ayes to 96 noes, Roll No. 375. Consideration of the measure began on Tuesday, May 24th. **Pages H3687–H3737**

Rejected the Schrader motion to recommit the bill to the Committee on Armed Services with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 185 ayes to 233 noes, Roll No. 374. **Pages H3735–37**

Agreed to amend the title so as to read: “To authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.”. **Page H3737**

Agreed to:

Inslee amendment (No. 110 printed in H. Rept. 112–88) that gives the Department of Defense the authority to provide severely wounded or seriously ill service members, who remain on active duty, with a broad range of rehabilitative equipment including recreational sports equipment that must be specially customized to meet the needs of the service member;

Pages H3687–88

Runyan amendment (No. 134 printed in H. Rept. 112–88) that requires that the Secretary of Defense establish goals for competition in contracts for the procurement of property or services to be used outside the United States in support of a contingency operation and requires that processes be developed to measure and monitor such competition, including task order categories for services, construction, and supplies; **Pages H3690–91**

Thompson (PA) amendment (No. 141 printed in H. Rept. 112–88) that expands the Department of Defense state licensure exception to qualified and credentialed DOD healthcare professionals, including contractors and civilians, and removes the location requirement to better allow our Guard and Reserve access to immediate and efficient care; **Page H3691**

McKeon en bloc amendment No. 3 that consists of the following amendments printed in H. Rept. 112–88: Petri amendment (No. 70) that clarifies that direct use solar energy technology is considered a renewable energy source for the purposes of the requirement that DOD obtain 25% of its facility energy from renewable sources by 2025; Akin amendment (No. 74) that adds a Sense of Congress supporting the establishment of long-term contracting authority for the DOD for procurement of alternative fuels; Boustany amendment (No. 85) that requires the Administration to submit to the appropriate committees an implementation plan for achieving the President’s “whole-of-government” integration vision and an annual update on the implementation plan; Carnahan amendment (No. 86) that withholds the use of 25 percent of funds authorized for the Afghanistan Security Forces Fund; Coffman amendment (No. 87) that requires the Secretary of Defense to submit a report to the congressional defense committees on the feasibility and desirability of recycling rare earth elements used by the DoD; Coffman amendment (No. 88) that requires the Secretary of Defense to submit a report to the congressional defense committees on methods to increase the efficiency of the tuition assistance program; Connolly amendment (No. 90) that directs the Secretary of Defense to submit a report to Congress after 180 days on the estimated cost of expanding the Homeowners Assistance Program to various servicemembers who currently are not eligible under the Permanent Change of Station category; Connolly amendment (No. 91) that improves the performance of the Federal Acquisition Institute; Connolly amendment (No. 92) that improves federal internship programs through better management and intern recruitment; Connolly amendment (No. 93) that

takes fuel costs into account during the procurement process for tents and other structures; Carson amendment (No. 94) that amends the Department of Defense pre-separation counseling program to provide discharging service members and their spouses with financial and job placement counseling; Courtney amendment (No. 95) that transfers the Troops to Teachers program from the Department of Education to the Department of Defense; Dent amendment (No. 97) that requires the Secretary of Defense to conduct a study to measure the domestic capacity in accordance with the Defense Acquisition Regulations System to manufacture ship shafts and other forged components used by surface and sub-surface vessels of the U.S. Navy; Ellison amendment (No. 101) that requires the Secretary of Defense to update the Congressional defense committees on the United States military strategy in Afghanistan in light of the death of Osama Bin Laden; Flake amendment (No. 102) that requires that the DoD make public any written communications from Congress recommending that funds specified in Division D be directed towards a particular project; Flake amendment (No. 103) that require the DoD to submit a report to Congress justifying the use of funds and detailing the process by which those funds were awarded, for each program element under Section 201 that received an authorization of appropriations that is more than what the President requested; Franks (AZ) amendment (No. 104) that transfers administrative jurisdiction, custody, and control of the Air Force Memorial from the Secretary of the Army to the Secretary of the Air Force; and Garamendi amendment (No. 105) that requires the National Academy of Sciences to Review of Nuclear Waste Reprocessing and Nuclear Reactor Technology;

Pages H3699–H3707

McKeon en bloc amendment No. 4 that consists of the following amendments printed in H. Rept. 112–88: Hanabusa amendment (No. 106) that allows those in the IRR to obtain health insurance through TRICARE for continuity of care; Hastings (WA) amendment (No. 107) that reauthorizes the Department of Energy's Office of River Protection through September 30, 2019; Hastings (FL) amendment (No. 108) that adds Sense of Congress language regarding Members of Congress obtaining a comprehensive understanding of the cultures, religions, ethnicities, geographies, histories and politics of nations in which the Armed Force are engaged; Heck amendment (No. 109) that provides DoD with the option to transition to HCFC blend fire suppressant agents to replace its current agent Halon 1211; Jackson Lee amendment (No. 112) that expresses the Sense of Congress that Post Traumatic Stress Disorder is an increasing disorder affecting returning members of the Armed Forces and access to treat-

ment for this disorder should be expanded; Kind amendment (No. 113) that allows the Secretary of Defense to enter into a special military cooperative agreement for the operation and maintenance of any State training center certified by the Federal Emergency Management Agency as capable of providing emergency response training; Kinzinger amendment (No. 114) that prohibits any funds made available by this Act from being used to research, develop, manufacture, or procure a newly designed flight suit for members of the Armed Services; Langevin amendment (No. 115) that prohibits the transfer of funds from National Defense Education Program K–12 education component; Larsen (WA) amendment (No. 116) that provides authority to the Secretary of State, with the concurrence of the Secretary of Defense, to provide assistance to foreign nations to strengthen that nation's national and regional security interests consistent with U.S. foreign policy interests and with existing law; Lee amendment (No. 117) that prohibits funding to construct permanent military bases in Iraq and Afghanistan; Lipinski amendment (No. 118) that expresses a Sense of Congress regarding the establishment of a National Korean War Museum; LoBiondo amendment (No. 119) that clarifies the SEAD/DEAD report required in Section 334 the FY2011 National Defense Authorization Act; Luetkemeyer amendment (No. 120) that directs the Secretaries of the military departments to conduct a review of military service records to determine whether certain Jewish American war veterans should be awarded the Medal of Honor; Maloney amendment (No. 121) that amends Sec. 1091 of this act to replace "Critical Infrastructure Information" in every case with "Critical Infrastructure Security Information," add a definition of Critical Infrastructure Security Information, and add a balancing test for the public interest when regarding treatment under the Freedom of Information Act; McCollum amendment (No. 122) that limits the amount spent on military musical units to \$200,000,000 in fiscal year 2012; Miller (MI) amendment (No. 123) that directs the DoD to collaborate with the Department of Homeland Security to identify technology and equipment that could be used to secure the border; Moran amendment (No. 124) that limits the number of parking spaces the Army would be permitted to use at the BRAC #133 location in Alexandria, Virginia, to 1,000; Murphy (PA) amendment (No. 125) that directs the Surgeons General of the Army, Navy, and Air Force to submit a report to Congress on whether additional behavioral health professionals are needed to treat members of the Armed Forces for PTSD and TBI; and Murphy (CT) amendment (No. 126) that requires greater transparency in the issuance of Buy American waivers;

Pages H3707–13

McKeon en bloc amendment No. 5 that consists of the following amendments printed in H. Rept. 112–88: Nugent amendment (No. 127) that expands retroactive eligibility of the Army Combat Action Badge to include members of the Army who participated in combat during which they personally engaged, or were personally engaged by, the enemy at any time on or after December 7, 1941; Pearce amendment (No. 128) that prohibits the Department of the Army from bundling contracts whose total value is more than \$1,000,000 unless certain criteria are met; Pompeo amendment (No. 129) that waives the time limitation for the award of the Medal of Honor to Father Chaplain Emil Kapaun for heroic deeds during the Korean Conflict; Pompeo amendment (No. 130) that clarifies the Medal of Honor process by requiring the Secretary of Defense, rather than the respective military service secretary, to submit the DoD recommendation to Congress; Reed (NY) amendment (No. 131) that designates TAPs as the National Song of Remembrance and prescribes procedures during the sounding of TAPs; Richardson amendment (No. 132) that expresses the sense of Congress that NORTHCOM, whose mission it is to protect the United States homeland and support local, state, and federal authorities, to develop a leadership strategy, relationships, and guidelines to work with State and Local authorities in the event of a major incident and in unforeseen circumstances; Rigell amendment (No. 133) that directs the Secretary of Defense to develop and implement a plan to address shortfalls in operational contract support requirements determination, management, oversight, and administration; Loretta Sanchez amendment (No. 135) that increases the funding for the Global Threat Reduction Initiative; Shuster amendment (No. 136) that provides a three year extension of authority to the Secretary of Defense to use acquisition and cross-servicing agreements (ACSAs) to loan certain equipment to coalition partners; Loretta Sanchez amendment (No. 137) that requires a report assessing the nuclear forces of the Russian Federations relative to the New START Treaty; Loretta Sanchez amendment (No. 138) that increases funding for the operation of the Defense Nuclear Facilities Safety Board by \$2,500,000; Smith (WA) amendment (No. 139) that requires the President to develop strategies to address a prioritized list of areas that serve or could serve as potential safe havens for al Qaeda and its violent extremist affiliates; Smith (WA) amendment (No. 140) that requires a report on Research and Treatment of Post-Traumatic Stress Disorder; Thornberry amendment (No. 142) that protects private sector companies participating in the Defense Industrial Base (DIB) Active Cyber Defense Pilot Project from potential liability as an agent of the

government; Tierney amendment (No. 46) that officially recognizes the City of Salem, Massachusetts, as the birthplace of the National Guard of the United States; Tierney amendment (No. 143) that requires the DoD to submit a report to Congress assessing the manufacturing industry of the United States; Tierney amendment (No. 144) that establishes a working group to monitor the foreign police training programs, projects, and activities of the various Federal departments and agencies and coordinate and unify such programs, projects and activities under a single strategic framework; Tierney amendment (No. 145) that creates an Assistant Secretary of Defense for Contingency Contracting; Turner amendment (No. 146) that clarifies the intent of section 1055 by explicitly allowing activities determined by the Secretary of Defense to be necessary to ensure the continued safety, security, and reliability of the nuclear weapons stockpile; and Turner amendment (No. 147) that creates an additional exception allowing for the reductions, withdrawals, or consolidations of non-strategic nuclear weapons in Europe, when made pursuant to either a Treaty or authorized by an Act of Congress;

Pages H3713–19

McKeon en bloc amendment No. 6 that consists of the following amendments printed in H. Rept. 112–88: Boswell amendment (No. 18), as modified, that grants the Secretary of Defense the discretion to also use funds retained in Section 646 for substance abuse prevention programs provided to the military community surrounding the commissary store where the alcoholic and tobacco products are purchased while ensuring that the enhanced commissary stores receive necessary funds; Boswell amendment (No. 20) that requires DoD and VA to conduct a joint study on the incident rate of breast cancer of service members who have deployed to Iraq and Afghanistan under operation Iraqi Freedom and Operation Enduring Freedom; Boswell amendment (No. 84) that adds a Sense of Congress that a focus on alternative, self-sufficient energy sources that reduce costs in the long term should be part of consideration for contracts for logistics support of contingency operations; Pascrell amendment (No. 22) that requires the Department of Defense to develop a plan to transfer the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury to one of the services in order to be most effectively managed; Pascrell amendment (No. 23) that requires the Defense Department to report to Congress on their plans to identify, refer, and treat service members with possible traumatic brain injuries who may have slipped through the cracks prior to the June 2010 policy; Davis (CA) amendment (No. 57) that fences 25% of the funds made available through the Afghanistan Infrastructure Fund until the Secretary of

Defense, in discussion with the Secretary of State, have determined that women are an integral part of the reconciliation process between the government of Afghanistan and the Taliban; Davis (CA) amendment (No. 72) that requires the Secretary of the Navy to submit a report to Congress detailing the efforts being made to establish maintenance, repair and overhaul capability for Navy unmanned aerial systems; Davis (CA) amendment (No. 96) that modifies a current GAO reporting requirement on TRICARE Standard and Extra from “bi-annual” to “biennial”; Young (IN) amendment (No. 150) that provides the Secretary of Defense with the authority to use funding to carry out a program designed to reintegrate former low-level Taliban fighters into Afghan society; Walz amendment (No. 151) that requires DOD to submit a report to Congress outlining a plan that would ensure access to the Guard and Reserves for missions short of war; and Turner amendment (No. 149) that includes a Sense of Congress that any commercial communications that interferes with the Global Positioning System (GPS) should not receive final authorization by the Federal Communications Commission until the potential interference with GPS is resolved; **Pages H3719–22**

Mica amendment (No. 38 printed in H. Rept. 112–88) that was debated on May 25th that requires that the rules of engagement allow any military service personnel assigned to duty in a designated hostile fire area to have rules of engagement that fully protects their right to proactively defend themselves from hostile actions (by a recorded vote of 260 ayes to 160 noes, Roll No. 354); **Page H3722**

Flake amendment (No. 40 printed in H. Rept. 112–88) that was debated on May 25th that repeals the establishment of the National Drug Intelligence Center (by a recorded vote of 246 ayes to 172 noes, Roll No. 355); **Pages H3722–23**

Buchanan amendment (No. 43 printed in H. Rept. 112–88) that was debated on May 25th that requires all foreign terrorists, with links to terrorist networks, who attack the United States or the Government be considered enemy combatants to be tried by military tribunals, not in the civilian court system (by a recorded vote of 246 ayes to 173 noes, Roll No. 357); **Page H3724**

Mack amendment (No. 48 printed in H. Rept. 112–88) that was debated on May 25th that makes changes to the language of the Sunken Military Craft Act of H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012. Clarifies the language of the Sunken Military Craft Act to restore its original intent, and specifies that a sunken military craft would be defined as a vessel only when on military

noncommercial service when it sank (by a recorded vote of 227 ayes to 193 noes, Roll No. 359);

Pages H3725–26

Conyers amendment (No. 61 printed in H. Rept. 112–88) that was debated on May 25th that prevents funds authorized in the Act from being used to deploy, establish, or maintain the presence of Members of the Armed Forces or private security contractors on the ground in Libya unless the purpose of the presence is to rescue a Member of the Armed Forces from imminent danger (by a recorded vote of 416 ayes to 5 noes, Roll No. 366);

Page H3730

Flake amendment (No. 62 printed in H. Rept. 112–88) that was debated on May 25th that eliminates funds for the Mission Force Enhancement Transfer Fund (by a recorded vote of 269 ayes to 151 noes, Roll No. 367);

Pages H3730–31

Jackson Lee (TX) amendment (No. 111 printed in H. Rept. 112–88) that designates a National Day of Honor for members of the Armed Forces who have served in Iraq, Afghanistan, and other combat areas (by a recorded vote of 419 ayes with none voting “no”, Roll No. 370);

Pages H3688–90, H3732–33

Turner amendment (No. 148 printed in H. Rept. 112–88) that requires a report on the cost-benefit analysis of migrating the management headquarters for the Air Force’s Enterprise Logistics System Program Executive Office (by a recorded vote of 300 ayes to 120 noes, Roll No. 371); and

Pages H3691–93, H3733–34

Cravaack amendment (No. 152 printed in H. Rept. 112–88) that repeals Title VXII of the Department of Defense Authorization Act, 1985, which authorized the establishment of the United States Institute of Peace (by a recorded vote of 226 ayes to 194 noes, Roll No. 372).

Pages H3693–95

Rejected:

Smith (WA) amendment (No. 42 printed in H. Rept. 112–88) that was debated on May 25th that sought to amend Section 1039 to allow transfer of detainees to the U.S. to testify in federal court. The amendment strikes language barring transfer of detainees held abroad to the U.S. and requires certification by the Attorney General prior to transfer (by a recorded vote of 165 ayes to 253 noes, Roll No. 356);

Pages H3723–24

Maloney amendment (No. 47 printed in H. Rept. 112–88) that was debated on May 25th that sought to clarify that the exemption from Freedom of Information Act for Data Files of the Military Flight Operations Quality Assurance Systems of the Military Departments is for “information contained in data files of the military flight operations quality assurance system of a military department that would reveal flight patterns or tactical techniques or tactical

procedures from disclosure under section” (by a recorded vote of 91 ayes to 329 noes, Roll No. 358);

Pages H3724–25

Langevin amendment (No. 49 printed in H. Rept. 112–88) that was debated on May 25th that sought to coordinate federal information security policy through the creation of a National Office for Cyberspace, updating information security management practices, and establishing measures for the protection of critical infrastructure from cyberattacks (by a recorded vote of 172 ayes to 246 noes, Roll No. 360);

Page H3726

Amash amendment (No. 50 printed in H. Rept. 112–88) that was debated on May 25th that sought to strike section 1034 of the bill, relating to the authorization for use of military force (by a recorded vote of 187 ayes to 234 noes, Roll No. 361);

Pages H3726–27

Campbell amendment (No. 53 printed in H. Rept. 112–88) that was debated on May 25th that sought to terminate the Human, Social, and Culture Behavior (HSCB) Modeling program at the Department of Defense (by a recorded vote of 63 ayes to 354 noes, Roll No. 362);

Pages H3727–28

Campbell amendment (No. 54 printed in H. Rept. 112–88) that was debated on May 25th that sought to reduce the baseline number of civilian employees at the Department of Defense by 1% every year for the next five years (by a recorded vote of 98 ayes to 321 noes, Roll No. 363);

Page H3728

Chaffetz amendment (No. 56 printed in H. Rept. 112–88) that was debated on May 25th that sought to require U.S. ground troops to withdraw from Afghanistan, leaving just those who are involved in small, targeted counter-terrorism operations. The amendment would further require the Secretary of Defense to submit a withdrawal plan to Congress within 60 days of enactment (by a recorded vote of 123 ayes to 294 noes, Roll No. 364);

Pages H3728–29

Polis amendment (No. 60 printed in H. Rept. 112–88) that was debated on May 25th that sought to reduce the amount of troops stationed in Europe to 30,000 and would cut overall end strength levels by 10,000 a year over the next five years (by a recorded vote of 96 ayes to 323 noes with 1 voting “present”, Roll No. 365);

Pages H3729–30

Ellison amendment (No. 63 printed in H. Rept. 112–88) that was debated on May 25th that sought to strike section 1604, Budget Item Relating to LHA—7 Ship Program (by a recorded vote of 176 ayes to 241 noes, Roll No. 368);

Pages H3731–32

Loretta Sanchez amendment (No. 64 printed in H. Rept. 112–88) that was debated on May 25th that sought to reduce the funding for Ground-based Mid-course Defense systems by \$100,000,000 (by a re-

corded vote of 184 ayes to 234 noes, Roll No. 369); and

Page H3732

McGovern amendment (No. 55 printed in H. Rept. 112–88) that sought to require: 1) A plan and timeframe on accelerated transition of military operations to Afghan authorities; 2) A plan and timeframe on negotiations leading to a political solution and reconciliation in Afghanistan; and 3) A new National Intelligence Estimate (NIE) on al-Qaeda. The amendment would clarify that nothing in this section limits the president under existing authority to go after al-Qaeda, share intelligence, or modify military strategy and tactics while redeploying U.S. forces under the plan/timeframe required above (by a recorded vote of 204 ayes to 215 noes, Roll No. 373).

Pages H3687, H3695–99, H3734–35

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House.

Page H3738

H. Res. 276, the rule providing for further consideration of the bill (H.R. 1540), was agreed to yesterday, May 25th.

Recess: The House recessed at 2:41 p.m. and reconvened at 6:45 p.m.

Page H3738

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow, May 27th, and further, when the House adjourns on that day, it adjourn to meet at 12 noon on Tuesday, May 31st for morning hour debate and 2 p.m. for legislative business.

Page H3738

Small Business Additional Temporary Extension Act of 2011: The House concurred in the Senate amendment to the House amendment to S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, by a yea-and-nay vote of 250 yeas to 153 nays, Roll No. 376.

Pages H3738–46

H. Res. 281, the rule providing for consideration of the Senate amendment, was agreed to by voice vote after the previous question was ordered without objection.

Pages H3738–39

United States Group of the NATO Parliamentary Assembly—Appointment: The Chair announced the Speaker’s appointment of the following Member of the House to the United States Group of the NATO Parliamentary Assembly: Representative Larson (CT).

Page H3746

Senate Messages: Messages received from the Senate by the Clerk and subsequently presented to the House today appear on pages H3738.

Senate Referrals: S. Con. Res. 13 was referred to the Committee on Armed Services and the Committee on Veterans Affairs; S. 1082 was held at the desk.

Page H3752

Quorum Calls—Votes: One yea-and-nay vote and twenty-two recorded votes developed during the proceedings of today and appear on pages H3722, H3723, H3723–24, H3724, H3724–25, H3725–26, H3726, H3726–27, H3727–28, H3728, H3728–29, H3729–30, H3730, H3730–31, H3731–32, H3732, H3732–33, H3733–34, H3734, H3734–35, H3736–37, H3737, H3745. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 9:04 p.m.

Committee Meetings

IMPACT OF UNION PRESSURE ON JOB CREATION

Committee on Education and the Workforce: Subcommittee on Health, Employment, Labor and Pensions held a hearing entitled “Corporate Campaigns and the NLRB: The Impact of Union Pressure on Job Creation.” Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Energy and Commerce: Full Committee continued markup on H.R. 908, the Full Implementation of the Chemical Facility Anti-Terrorism Standards (CFATS) Act. The bill was ordered reported, as amended.

FDIC OVERSIGHT

Committee on Financial Services: Subcommittee on Financial Institutions and Consumer Credit held a hearing entitled “FDIC Oversight: Examining and Evaluating the Role of the Regulator During the Financial Crisis and Today.” Testimony was heard from Sheila Bair, Chairman, FDIC.

UNLOCKING THE SAFETY ACT’S POTENTIAL TO PROMOTE TECHNOLOGY AND COMBAT TERRORISM

Committee on Homeland Security: Subcommittee on Cybersecurity, Infrastructure Protection and Security Technologies held a hearing entitled “Unlocking the SAFETY Act’s Potential to Promote Technology and Combat Terrorism.” Testimony was heard from Paul Benda, Acting Deputy Under Secretary, Science and Technology Directorate, Department of Homeland Security; and public witnesses.

INSPECTOR GENERAL AUDIT OF THE HOUSE’S F.Y. 2009 FINANCIAL STATEMENTS

Committee on House Administration: Subcommittee on Oversight held a hearing on Inspector General Audit of the House’s F.Y. 2009 Financial Statements. Testimony was heard from Dan Strodel, Chief Administrative Officer, United States House of Representatives; and Theresa Grafenstine, Inspector General, United States House of Representatives.

AT&T AND T-MOBILE MERGER

Committee on the Judiciary: Subcommittee on Intellectual Property, Competition and the Internet held a hearing entitled “How Will the Proposed Merger Between AT&T and T-Mobile Affect Wireless Telecommunications Competition?” Testimony was heard from public witnesses.

LEGISLATIVE MEASURES

Committee on Natural Resources: Subcommittee on Indian and Alaska Native Affairs held a hearing on H.R. 1408, to provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes. Testimony was heard from Harris Sherman, Under Secretary, Natural Resources and Environment, Department of Agriculture; and public witnesses.

NATIONAL WILDLIFE REFUGE SYSTEM’S OPERATIONS AND MAINTENANCE

Committee on Natural Resources: Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs held a hearing on “Buying More Land When We Can’t Maintain What We Already Own: The National Wildlife Refuge System’s Operations and Maintenance Backlog Story!” Testimony was heard from James W. Kurth, Acting Assistant Director, National Wildlife Refuge, Fish and Wildlife Service; Dan Forster, Director, Wildlife Resources Division, Georgia Department of Natural Resources; and public witnesses.

FEDERAL WORKFORCE

Committee on Oversight and Government Reform: Subcommittee on Federal Workforce, U.S. Postal Service and Labor Policy held a hearing entitled “Rightsizing the Federal Workforce.” Testimony was heard from public witnesses.

SMALL BUSINESS ADDITIONAL TEMPORARY EXTENSION ACT OF 2011 (SENATE AMENDMENT TO THE HOUSE AMENDMENT ON THE PATRIOT SUNSETS EXTENSION ACT OF 2011)

Committee on Rules: The Committee granted, by voice vote, a rule providing for the consideration of the

Senate Amendment to the House Amendment to S. 990. The rule makes in order a motion by the chair of the Committee on the Judiciary that the House concur. The rule provides one hour of debate on the motion with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary and 20 minutes equally divided and controlled by the chair and ranking minority member of the Permanent Select Committee on Intelligence. The rule waives all points of order against consideration of the motion. Finally, the rule provides that the Senate amendment shall be considered as read. No testimony was given.

NASA'S COMMERCIAL CARGO PROVIDERS

Committee on Science, Space, and Technology: Subcommittee on Space and Aeronautics held a hearing on NASA's Commercial Cargo Providers: Are They Ready to Supply the Space Station in the Post-Shuttle Era? Testimony was heard from William Gerstenmaier, Associate Administrator, Space Operations Mission Directorate, NASA; Cristina Chaplain, Director, Acquisition and Sourcing Management, GAO; and public witnesses.

THE NEED TO REPEAL THE 3% WITHHOLDING PROVISION

Committee on Small Business: Subcommittee on Contracting and Workforce held a hearing entitled "Defer No More: The Need to Repeal the 3% Withholding Provision." Testimony was heard from Rep. Herger; Brian George, Deputy Director, Office of Cost, Pricing and Finance, Department of Defense,

Dave McDermott, Director, Standards and Compliance, Defense Finance and Accounting Service, Department of Defense, Washington, Curtis M. Loftis Jr., Treasurer, South Carolina; and public witnesses.

HIGH-SPEED RAIL

Committee on Transportation and Infrastructure: Full Committee held a hearing entitled "Opening the Northeast Corridor to Private Competition for the Development of High-Speed Rail." Testimony was heard from public witnesses.

INTELLIGENCE AUTHORIZATION FY 2012

House Permanent Select Committee on Intelligence: Full Committee held a markup on H.R. 1892, Intelligence Authorization Act for Fiscal Year 2012. Hearing began as an open hearing and then proceeded to a closed hearing. The bill was ordered reported, as amended.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR FRIDAY, MAY 27, 2011

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

There are no hearings scheduled.

Next Meeting of the SENATE

9:30 a.m., Friday, May 27

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Friday, May 27

Senate Chamber

Program for Friday: Senate will meet in a pro forma session.

House Chamber

Program for Friday: The House will meet in pro forma session at 10 a.m.

Extensions of Remarks, as inserted in this issue

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